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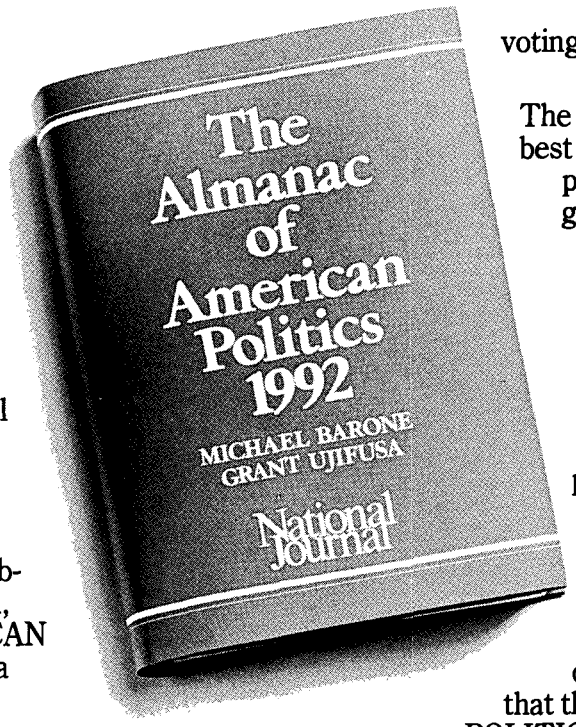

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Free Minds and Free Markets

July 1991/Vol. 23, No. 3

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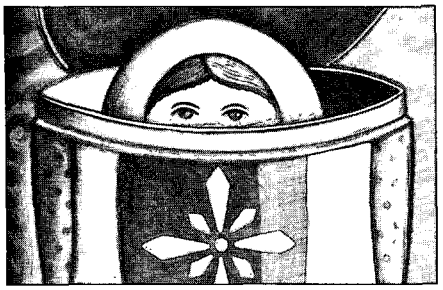

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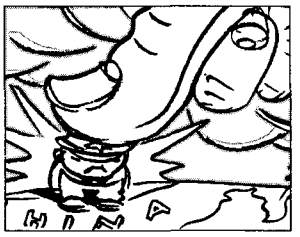

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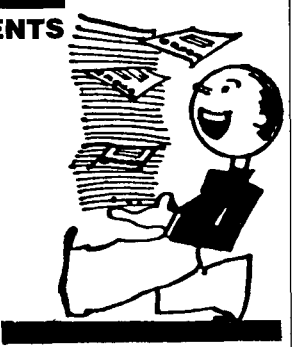

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BAD CHOICE

VIRGINIA I. POSTREL

Bush the Wimp has done what Reagan the Revolutionary would never do: proposed the most revolutionary of education reforms, school choice. And not just public-school choice, but real choice, including both private and public schools.

Now comes the tricky part—figuring out how to make it work. If we do it wrong, school choice could become a disaster of S&L proportions. And this time, we could lose more than money. We could lose vital institutions and disrupt the lives of millions.

One of the easiest ways to blow school choice is to deregulate demand but not supply. One way to do this is the magnet-school approach. Here, you let parents choose schools but you don't let the schools adjust to reflect demand. So no matter how popular a school is, it never gets any bigger. Parents and kids have to camp out in line, like people trying to buy underpriced concert tickets or Russian toilet paper. The losers get shipped to mediocre schools they never would have chosen.

Sy Fliegel, the man behind East Harlem's successful public-school choice program, criticizes most public-school choice programs for exactly this reason. Harlem's system works, he says, because it lets popular schools expand and forces unpopular schools to shrink or shut down. East Harlem can do this, in part, because it has redefined what a "school" is, tying the institution not to its building but to its staff and mission. In East Harlem, several schools may occupy the same building, each with a separate program and teacher-principal. And successful schools may be spread across several locations.

The magnet-school problem is particularly characteristic of public-school choice. But we can imagine what would happen in a real choice system, where public and private school compete. Suppose my neighborhood Catholic school, St. Joan of Arc's, becomes so popular that it could enroll twice as many kids as its building and staff can handle. What would happen?

Quite likely, the state would implement some sort of rationing scheme. It could be first-come, first-served, à la the magnet schools. Or it could be based on racial balance or income distribution or even academic achievement. No matter which system was adopted, however, it would undermine the very autonomy that makes private schools successful.

Already, people who oppose including private schools in choice plans are raising the dire possibility that such schools might actually be allowed to *choose their own students*. "Won't public schools still have to keep violent students in school while private schools can expel them or not admit them?" writes Albert Shanker of the American Federation of Teachers. "Won't public schools have to keep students who don't do their homework while private schools can refuse to let them in? Will students and parents really be allowed to choose schools or will private schools choose the kids they want?"

Shanker's questions are serious, and they point up serious flaws in the current system. Why *should* a school, public or private, have to keep students who don't live up to their side of the bargain—who threaten other students and teachers or who won't fulfill minimum requirements? The answer to Shanker's questions should be that in a choice system, both sides would have a choice. Neither public nor private schools would have to guarantee slots to kids who disrupt the education of their fellow students.

Of course, specialized schools might evolve to handle the hard cases. John Hall, the founder of such a program within the L.A. Unified School District, has endorsed school choice because he thinks it would make more room for programs like his Options for Youth. Since Options depends on such bureaucratically unthinkable innovations as hiring teachers not for their credentials but for their skills in working with former dropouts, it has been shut down—despite an excellent track record.

The public schools in a real choice system would have to be very different from today's bureaucracy-bound institutions. Introducing school choice without breaking up our enormous public-school districts and letting each school manage itself would be a disaster. Public-school teachers, buildings, and other valuable resources would be trapped—unable to innovate as private schools siphoned off students. As existing private schools filled up, more private schools would form to satisfy demand that innovative public schools could have met.

If such a system allowed public schools to fold for lack of students, it would be OK in the long term; schools that couldn't keep up would shut down, freeing their staff and buildings and books. But if the system remained dedicated to keeping public schools open, it would become a colossal waste.

The prospect of real school choice raises fundamental questions about what a "public" school is. If it is merely a tax-funded institution, then real choice would by definition wipe out public schools by funding students rather than institutions. Such a system would take the

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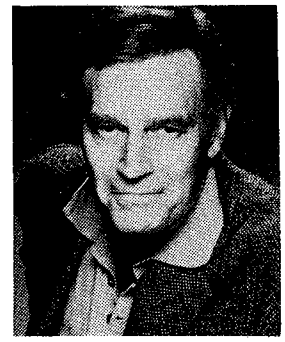

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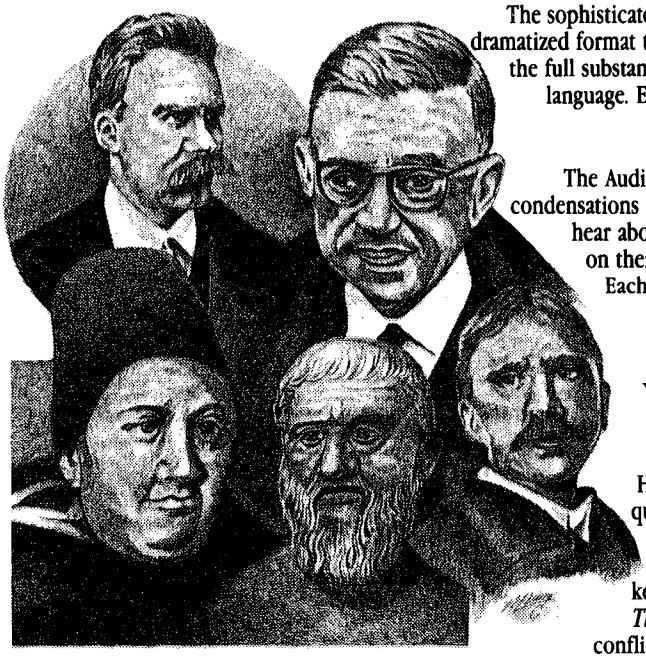

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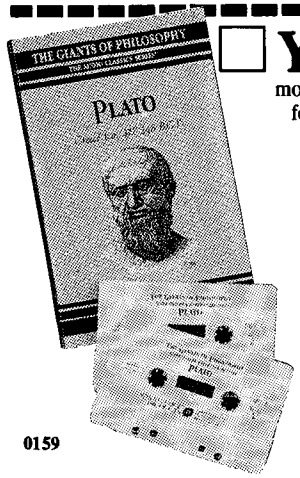

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money spent on schools and divide it among all school-age children, whether they now attend public or private schools. (Larger scholarships might go to poorer children.) Public-school districts wouldn't receive any money they couldn't raise by attracting students. Many of those schools that we now call public would remain open, but they would be very different institutions.

This vision threatens powerful interests. Teachers' unions are unlikely to die out, but choice would certainly weaken them. Independent schools, whether you call them public or private, are harder to organize than gargantuan school districts. And they are much harder to hold hostage to contract demands. But school choice might give teachers something the unions haven't been able to deliver—the chance to be treated like valuable professionals, not interchangeable cogs in an educational machine.

In response to this prospect, the *Los Angeles Times* proposes that any school that participates in a choice program should have to unionize its teachers. This idea suggests the major threat posed by choice: that it will recreate private schools in the image of public schools. This threat will appear in many areas—from admissions to curriculum to hiring. It can be overcome. But, first, we must watch out for it.

PAY AS YOU GO

CHARLES OLIVER

To those watching this month's big fight, pay-per-view television is a godsend. Previously, the only way to see a top boxing match was either to go to Las Vegas, which was very expensive, or to go to a closed-circuit theater, which was crowded with drunks and only slightly less expensive than the trip to Vegas. But with pay-per-view, several people can get together, split the cost, and for less than the price of a movie ticket watch the fight in the comfort of someone's home.

But some people in Washington, D.C., don't like pay-per-view. They talk about halting its expansion. To those who aren't into professional wrestling, boxing, and soft-core adult films (the current mainstays of pay-per-view), this may not seem very important. But this flap is about more than whether fans will get to see Ric Flair, Evander Holyfield, and Marilyn Chambers. It's about how telecommunication is regulated in this country.

The problem is that in the future more and more events will go to pay-per-view. In 1992, for example, some summer Olympic events, such as swimming or equestrian sports, will be on pay-per-view, live and in their entirety. (NBC will still offer traditional coverage of the highlights of the most-popular sports.)

But more events on pay-per-view mean more competition for over-the-air television. And Rep. Edward Markey (D-Mass.), chairman of the House Telecommunications subcommittee, worries that the expansion of pay-per-view "will mean the gradual erosion and potential destruction of the free over-the-air television system as we know it."

Markey paints a "nightmare" world where over-the-air news disappears and "only the wealthiest" can watch sports or movies on television. We will become a society of information haves and have-nots. And that bodes ill "for the lower part of the socioeconomic part of the spectrum" (whatever that means).

Actually, we aren't likely to see the death of broadcast television any time soon. But even so, why should we care? Markey would have us believe that only the rich can afford cable. In fact, over 60 percent of all American households have cable. Virtually everyone who has access to cable has purchased it. The 40 percent of Americans who don't have it mostly live in very remote rural areas or in cities whose politicians have held up the delivery of cable. At about $20 a month, basic cable—including CNN, CNBC, the Discovery channel, and other sources of news—is within the means of even the poorest Americans.

But Markey is right about one thing: Pay-per-view will hurt the broadcast networks. Network viewership has dropped dramatically over the last decade because of cable, and more pay-per-view channels will accelerate this decline. In an April "Nightline" report, Dave Marash gave us the network view of this trend: "As recently as 20 years ago, ABC, CBS, and NBC *owned* 90 percent of the TV audience. Today the three broadcast networks' share is down below 60 percent and dropping....You've got a growing audience *stolen* from free TV." (Emphasis added.)

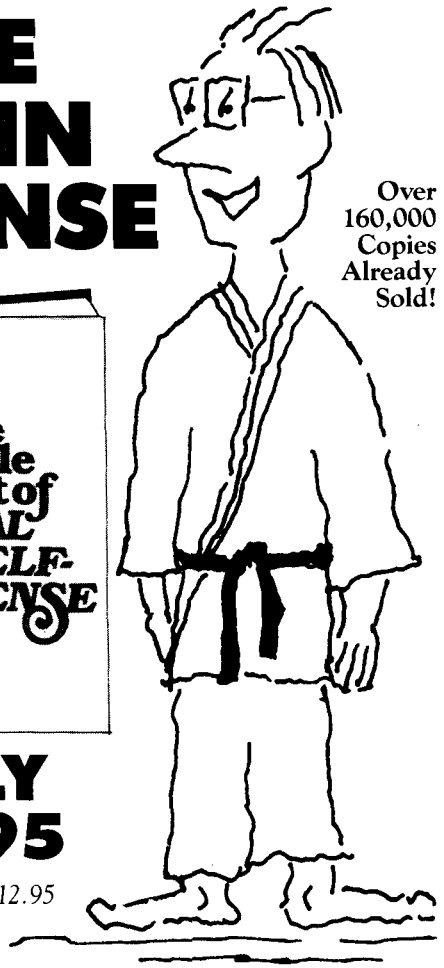
Despite these losses, the networks earn over $10 billion each year. And if Markey's rumblings about pay-per-view ultimately turn into legislation, it will benefit these corporate titans, not Joe Sixpack.

Washington protects established businesses (and established campaign donors) at the expense of newer ones. Look at how Congress dealt with the issue of cable regulation last year. Noting that virtually all cable systems are monopolies that can gouge their customers, Congress decided to pass legislation to stop this. Some wanted to let local governments regulate cable rates; some wanted the FCC to do it.

But the policy pushed by every economist who has studied the situation—abolish the exclusive franchises that give cable systems monopolies—was ignored. Sure, more competition means lower prices, but it also means more competition for broadcasting—and for established cable companies. But rate regulation robs systems of the money they need to expand and holds down competition with the networks.

Politicians love to crow about helping to keep prices down and helping the common man. But what they propose would help only their friends in broadcasting boardrooms—and screw all of us who want better and more extensive cable service.

HOW TO BECOME A "BLACK BELT" IN VERBAL SELF-DEFENSE



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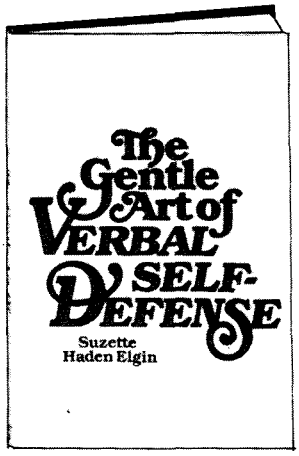

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About the Author

Psycholinguist Suzette Haden Elgin has presented her innovative self-defense principles in a variety of formats. She has given workshops and seminars all over the U.S., including verbal self-defense sessions for doctors, lawyers, and other professionals.

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LETTERS

Bogged Down

The concerns of those who have experienced the brute force of wetlands regulations are not going unheard. (See "The Swamp Thing," Apr.) Currently pending in the United States Senate is S. 50, the Private Property Rights Act, counting over 30 senators as its cosponsors. This bill ensures that agencies such as the Corps of Engineers establish appropriate procedures for determining whether or not their regulations tread on an individual's private property rights.

The existing wetlands regulations are issued under the authority of Section 404 of the Clean Water Act. And yet, by undermining property rights, these regulations may well discourage the kind of environmental stewardship necessary to get "clean water." A case in point would be the rancher who attempts to repair a washed-out fence. Aggressive application of Section 404 could prevent such repair, even if that repair prevented cattle from invading a neighbor's property or damaging a sensitive riparian area. In this case, the rancher who keeps his property in good shape is rewarded by fines, imprisonment, or both. It is a ludicrous and counterproductive way to achieve environmental protection.

S. 50 will help prevent such ill-conceived regulation. The act forces federal agencies to evaluate their regulations, identifying those that could be rewritten to impose less on private property, and requiring that "just compensation" be offered for those that can't. The result is less litigation between individuals and their government, reduced costs to everyone involved, and added respect for a constitutional right on the part of government regulators.

Steve Symms
U.S. Senate
Washington, DC

THE SEVEN FEDERAL agencies that administer, rule, regulate, and tinker with real property meeting their individual criteria for "wetlands" have created a situation in which only Franz Kafka would be totally comfortable.

When I have a client who is facing wetlands problems, I usually explain the future in terms of a card game with the United States government. The government begins by telling you:

"You will now play the Wetlands Game with us. We will tell you when, where, and how long you will play.

"The government will shuffle the cards and deal them each time, and we reserve the right to not tell you the rules we play by until each hand is completed. We further reserve the right to change the rules retroactively and tell you that a move we previously approved was an error and rescind that approval.

"We also reserve the right to not tell you how many players there are, who they are, and what rules they play by."

"You will put everything you own into the pot, including your property, your time, and your peace of mind."

One clarification: Lest anyone mistakenly think that the compensation for takings Mr. Henderson cited is automatic, let's set the record straight: When the government imposes property-use restrictions due to the presence of "wetlands," the only people who receive compensation for the reduced value of the land are those who sue the federal government and win. There is no automatic compensation because the government believes the wetlands regulations are

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more like zoning restrictions than condemnations. Unless you prove the taking in a federal court, the government gets the property free.

Tell me when we're having fun.

Karen Sorlie Russo
Attorney at Law
Sacramento, CA

A POLITICAL BACKLASH is sweeping the country as stories are being published about the Environment Protection Agency prosecuting individuals in an arbitrary and capricious manner for tampering with so-called wetlands. The let's-make-an-example-of-him prosecution of Hungarian immigrant John Pozsgai made national headlines and caught America's attention. Hard-working citizens who are found guilty of defiling wetlands are receiving stiffer fines and prison sentences than drug dealers. The national wetlands program—which started out with laudable goals—has turned into a national witch hunt.

The *Chicago Tribune* reports that Sierra Club members "help" the Environmental Protection Agency detect "illegal" activities. The EPA awarded the group a $50,000 grant to spy and collect information on "threats" from adjacent land use. The volunteers pose as interested home buyers or bird watchers to observe suspicious activities.

Jo Ann Frobouck
Editor
Land Rights Letter
Sharpsburg, MD

RICK HENDERSON'S ARTICLE graphically describes the wetlands maladministration that has galvanized the agricultural community.

Despite a century of government policies that encourage the conversion of wetlands, preservation is now a cause célèbre. Many people were once grateful to be rid of mosquitoes, biting flies, and the diseases indigenous to "wetlands." They were also grateful that many of these wetlands were converted for the production of abundant, nutritious, and affordable food supplies.

Now some would elevate wetlands above all other natural resources. In their

You deserve a factual look at. . .

Israel and the Media

Are current events in Israel getting fair coverage?

In December of 1987, an Israeli civilian was stabbed by Arabs in the Gaza territory, administered by Israel. On the following day, four Gaza Arabs were killed by an automobile driven by an Israeli. The two events were totally unrelated. Yet, the rumor spread that the Arab deaths were revenge murders by the Israelis. Rioting broke out and spread into Judea-Sumaria (the "West Bank"), also administered by Israel. It was the beginning of the "intifada," which still goes on. The media have covered and continue to cover this uprising extensively. Are they doing it fairly?

What are the facts?

■ The conflict between the Israeli government and the Arabs in the areas administered by Israel, the so-called "intifada," is essentially a minor regional one. It does not compare in scope, in violence and in the number of people killed or injured to the many other conflicts going on in the world right at this time, such as the conflict between the Basques and Spain; between Catholics and Protestants in Northern Ireland; and between Moslems, Hindus and Sikhs in India. And there are many more. Just as with the Arab-Israel conflict, no easy or early solution seems at hand.

■ Yet, while the "intifada" is only one of many regional conflicts, the volume of its coverage in the media has made it appear to be a major world event. There are over 250 press and t.v. reporters accredited in Israel, a tiny country the size of New Jersey and with only half the population of New Jersey. This large media contingent is second only in number to that of Washington and Moscow—and less than that of such key news centers as London, Paris, Bonn, New Delhi, Peking or Tokyo. Naturally, all of these reporters must produce daily stories in order to justify their presence. This results in much journalistic overkill. *The Washington Post*, for instance, reports in an internal audit that. . .during a 5-month period in 1988, they published over 300,000 words on the "intifada," more than two articles daily, one-quarter of which appeared on the front page. That was the most intense coverage by the *Post* of any continuing story. In contrast, when in one day, 65 Shi'ites were killed in one of the brotherly battles in neighboring Lebanon, the *Post* gave that only 600 words, in an article on page 15.

■ But it isn't just the intensity of coverage that casts serious doubt about the fairness of the media. It's primarily the slant that is being given to the news, both in the print media and on television. Television, especially, thrives on "action bites," short dramatic scenes with potential to get the viewer involved. For instance, we see over and over again pictures of teenage boys throwing rocks at Israel soldiers, and the soldiers chasing those teenagers with guns and clubs. That inevitably creates the impression of Israel as the bully or the Goliath, and of the "Palestinians" as defenseless Davids. The opposite is true, of course. Israel is a beleaguered country surrounded by implacable enemies, who incessantly plot its destruction. The "intifada" is part of that never-ending war.

■ The media do not show the hundreds of Israeli soldiers and civilians who have been grievously wounded and in some cases killed by rocks and gasoline bombs. They do not show the Arabs setting countless arson fires, in which over 25,000 acres of forest—every tree having lovingly been planted by hand—have been destroyed. They do not show the attacks on Jewish farms, the wanton destruction of industrial and public service facilities, the fire bombing of hundreds of buses, and the ruthless killing of livestock. They do not show the PLO terror aimed at the "Palestinians" themselves. In the last seventeen months of the "intifada" dozens of Palestinian Arabs have been murdered by the PLO, hundreds injured, many critically. This campaign of intimidation has increased since Yasir Arafat allegedly renounced terrorism.

■ In the few cases in which fuller coverage of the conflict was attempted on t.v., such coverage usually did turn out to be more "show-biz" than serious reporting. ABC's reportage "Six Days Plus Twenty Years" was so blatantly anti-Israel in tone that Arab countries rushed to use it as a propaganda film. Peter Jennings on ABC insistently perpetuates the odious comparison of Israel with South Africa. T.V. interviews with people in the territories invariably show reasonably middle class intellectuals and professionals with whom the American viewer can identify—never the arsonists, the bus bombers and the throwers of Molotov cocktails. The occasional Israeli spokesman that gets trotted out is almost always a member of the radical left or of the so-called "Peace Now" movement, quite unrepresentative of mainline Israeli thinking.

The media do not give the "intifada" fair coverage. It's partly the sheer volume of the coverage, which gives this minor regional conflict perceived importance that it doesn't have. It also lies in the persistent anti-Israel slant that permeates the reporting in all media. Finally, the media, almost without exception, focus on the immediate "drama" and do not explore the history and background of this conflict. The most important point, always omitted, is that the conflict between Israel and the "Palestinians" is not the core problem in the area. The core problem is the unremitting obsession of the Arab states to destroy Israel, their refusal to make peace with it, or to lift the economic boycott against Israel—regardless of what disposition may ultimately be made of the "West Bank." Israel, more even than other beleaguered pro-Western nations, is the target of disinformation and unfair reporting. Largely because it is a dependable friend and ally of the United States, the Jewish state is another victim of the "blame America first" bias in the media.

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LETTERS

frantic effort to preserve wetlands, they see wetlands where they do not exist. To them, no sacrifice on the part of landowners is too great for their cause.

The Farm Bureau believes that wetlands ought to be more wet than dry. We also believe that landowners should be compensated when their land, or their right to use their land, is taken from them.

Dean Kleckner
President
American Farm Bureau Federation
Park Ridge, IL

A Macro Problem?

Murray Weidenbaum's critique of my article, "Toward a New 'Eco'-nomics," in *World Watch* magazine, is so replete with distortions and misrepresentations that it is difficult to know where to begin a response to it.

Mr. Weidenbaum based his entire argument on the lead sentence of my article. I related the story of World Bank economist Herman Daly searching through the indexes of three leading macroeconomics textbooks and finding no entries for "pollution," environment," "natural resources," or "depletion." I told this tale to set the stage for a broader article on the need to reconcile our economic rules and practices with the dictates of environmental sustainability.

In choosing to ignore the main thrust of my article, Mr. Weidenbaum shows sloppy scholarship. But he also missed the main point. "The unwary reader of *World Watch*," he writes, "may not recall that macroeconomics is the branch of economics which deals with such aggregate factors as inflation and unemployment, recessions and expansions in the national economy. It is *microeconomics* which deals with the specific questions involving the environment and its pollution." Mr. Weidenbaum then lists several microeconomics texts that discuss environmental factors.

It comes as no surprise that environmental terms appear in microeconomics texts. As Mr. Weidenbaum correctly notes, environmental factors directly influence the decisions of individual eco-

nomic agents—factories, lumber mills, farmers, and so forth. But it is precisely the absence of such terms from macroeconomics texts that surprises biologists and unsettles ecologically enlightened economists because it suggests that the economy as a whole is isolated from the natural world.

How much carbon dioxide can economic activity add to the atmosphere without irreversibly changing the global climate? How much of the earth's biological productivity is the human economy now consuming, and how much more can it consume before natural systems begin to break down? These are macroeconomic sorts of questions, but they go unasked by policy makers and economists who continue to view the economy as an isolated entity rather than a subset of a finite biosphere.

Sandra L. Postel
Vice President for Research
Worldwatch Institute
Washington, DC

Mr. Weidenbaum replies: Ms. Postel must have read my article too hastily. She seems to have overlooked my basic point—a rejection of her statement that a fundamental flaw in economics is "an almost lack of regard for the environment." In view of the large and rapidly growing literature on the economics of the environment, her charge is ludicrously ignorant of the facts.

I attempted to demonstrate that in a small way, by citing, not a sample of books on microeconomics, as she claims, but a selection of widely used textbooks on the principles of economics, which covers both micro and macro.

Yes, the study in her paper was prepared by an economist at the World Bank. Because she cited it so approvingly, I presume she has endorsed it. Has she changed her mind?

My sense of irony is piqued by Ms. Postel's response. As seems customary in the intellectual environment of the Worldwatch Institute, she does not hesitate to hurl wild and unsubstantiated charges. But she is surprisingly thin-skinned when it comes to accepting criticism.

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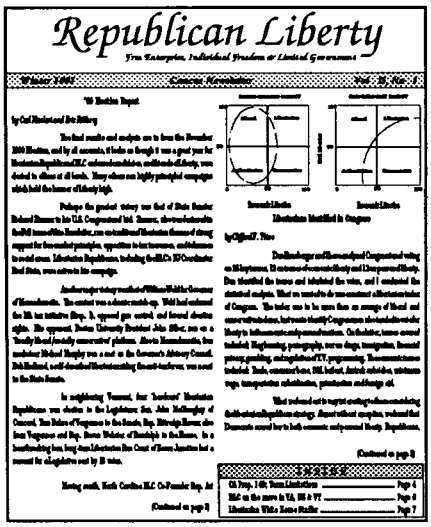
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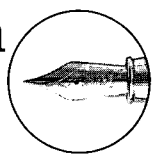

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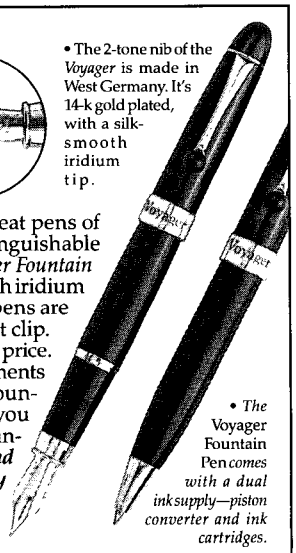

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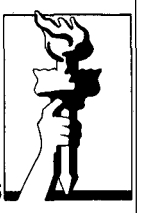

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If the definition of rape can be broadened to include any forcible violation of a person's rights without their willing consent, then RENT CONTROL is guilty of raping the populations of many American cities. The victims who are getting screwed (whose identities shall not be revealed) include homeowners, taxpayers, landlords, the homeless, and newcomers to the city.

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LETTERS

Cool Idea?

Jacob Sullum's otherwise well-written article on cryonics ("Cold Comfort" Apr.) nonetheless ignored or underemphasized a few points.

Those who cannot buy new life insurance to cover the cost of cryonic suspension do have alternatives. For example, the Cryonics Institute has a form of revocable trust which can be used with a mix of assets, and the member pays nothing until death—except the $1,250 membership fee, and even that can be paid out over a year's time.

Although it is extremely inadvisable to delay action until your next of kin has died or is dying, CI can sometimes accept "post mortem" or last-minute cases, although at $35,000 instead of our standard minimum $28,000, and with less chance of revival.

All the organizations offer very inexpensive associate memberships for those who want to investigate and learn gradually. Our sister organization at the same address, the Immortalist Society, publishes *The Immortalist* monthly and offers a free information packet.

R.C.W. Ettinger, President
Cryonics Institute
Oak Park, MI

CRYONICS IS NOT something with which governments should interfere, but it is something which caring people should speak out against. My reasons for opposing cryonics are as unusual as the ones of those who favor it. I consider myself one member of a species. If I were soon to die in possession of thousands of dollars, I would feel obliged to give that wealth to starving members of my species to help keep them alive. In this way I would be certain of helping several human beings, as opposed to taking an infintesimally small chance at helping only one. Cryonics appears to me to be one more cruel result of the idea that I should consider myself more valuable than other people.

David C. Swanson
New York, NY

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By Ted Nicholas

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That's why I've prepared a new special report, **43 Proven Ways to Raise Capital For Your Small Business.** With this step-by-step guide, you'll discover 43 proven techniques for turning your business ideas into reality. I've previously used many of these methods myself with the 21 companies I built on my own. You too can use these methods to raise capital for your own dream venture. And in as little as 60 days you'll be on your way to making your dream a reality.

Not only will you discover many unique tips for getting the approving "Yes!" in your quest for capital, but you'll also discover many ways to reduce your costs in the process—involving timing, preparation, source selection, type of loan, fee structure and more. This comprehensive report will show you how to get all the money you need to jump start your business to success. You'll learn:

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We, the Jury

You may have a favorite scenario: a college student caught with a few ounces of pot, a gun owner arrested for failing to register his weapon, an adult-movie producer brought up on obscenity charges. Whoever the defendant is, you are one of 12 jurors hearing the case, and you refuse to convict. Your conscience will not allow you to enforce an unjust law.

According to most judges, a person like you has no place on a jury. A good juror, they say, assesses only the facts of the case, ignoring the morality of the law and the propriety of its application. Not so, say the members of a growing nationwide movement.

The Helmville, Montana–based Fully Informed Jury Association, established in 1989, seeks to revive the more-traditional understanding of the jury's role in the judicial process. FIJA would like to see every state adopt the following measure as a statute or constitutional amendment: "Whenever state or local government is one of the parties in any trial by jury, the court must inform the jurors that, in addition to their responsibility to judge the facts of the case, they have an inherent right to judge the law itself."

FIJA National Coordinator Don Doig says the measure has been introduced in the legislatures of nine states: Massachusetts, Nevada, Oklahoma, Texas, Washington, Arizona, Montana, Utah, and Alaska. Sponsors have been lined up in New York, Georgia, Idaho, and Tennessee. "It seems to be sweeping the grassroots of the country," Doig says.

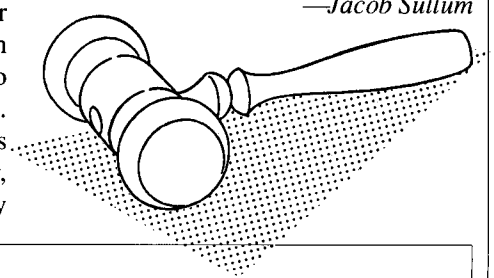
The movement has attracted an odd coalition of libertarians, liberals, and conservatives, including bikers, gun enthusiasts, tax protesters, marijuana growers, and activists on both sides of the abortion issue. In California, a FIJA petition is being circulated along with one aimed at legalizing pot. Articles supporting FIJA have appeared in both *California NORML Reports* and *The New American*, the John Birch Society's magazine. In January the staid *Wall Street Journal* gave FIJA front-page coverage.

Doig says the idea of jury nullification has broad appeal because people sense a need to restore balance to the American justice system. "No institution is perfect," he says, "but you can't name an institution that is freer of bias and corruption than the jury." To illustrate the importance of jury nullification, FIJA activists cite examples ranging from Peter Zenger's seditious-libel acquittal in colonial times to the refusal of juries to enforce Prohibition in the 1920s and '30s.

They also quote Founders such as Thomas Jefferson, John Adams, John Jay, and Alexander Hamilton. "It is not only [the juror's] right, but his duty...to find the verdict according to his own best understanding, judgment, and conscience, though in direct opposition to the direction of the Court," Adams said in 1771.

As a practical matter, the Constitution's Double Jeopardy Clause and the long-standing principle that juries may not be punished for their verdicts ensure that jurors have the ability, if not the acknowledged right, to ignore judges' instructions and vote their consciences. "This is something juries can do right now, and they do," Doig says. "They just don't do it often enough."

—Jacob Sullum



Working for a Living?

Does it seems as though your paycheck doesn't go as a far as it did just a year ago? That's because taxes are taking a bigger bite out of it. The Tax Foundation estimates that in 1991 the average worker will spend 2 hours and 49 minutes of an 8-hour day working to satisfy federal, state, and local tax collectors—five minutes more than in 1990.

The Washington, D.C.-based research organization found that the largest single portion of an average person's work day is devoted to taxes.

1991 Tax Bite in the Eight-Hour Day

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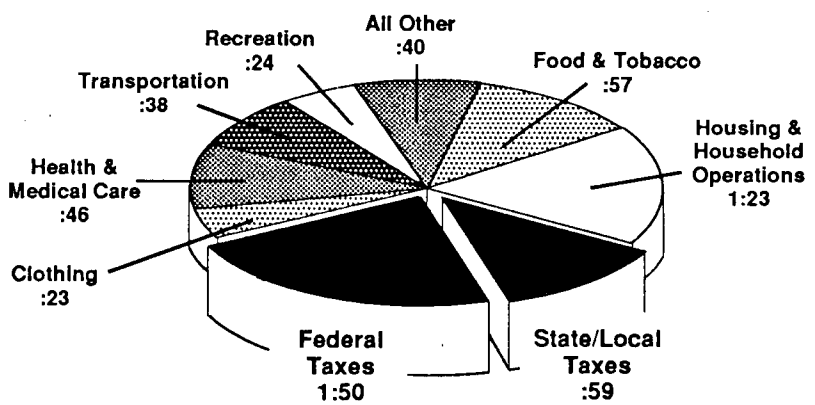

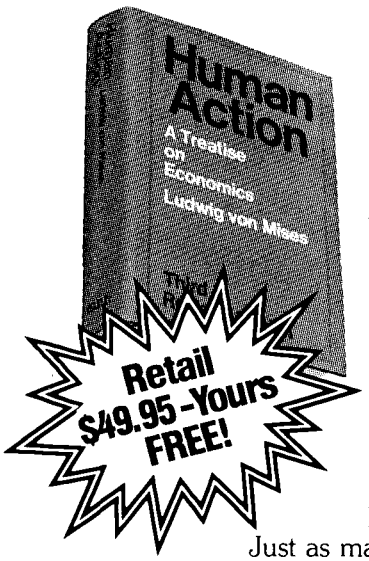

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BALANCE SHEET

Assets

Adam Smithski. Boris Yeltsin gets economic advice from the Hoover Institution. Top Russian economists will join with Hoover scholars to help establish banks, stock markets, pricing, and privatization in the republic. Will Russian currency soon bear a picture of Milton Friedman—or the inscription, In Gold We Trust?

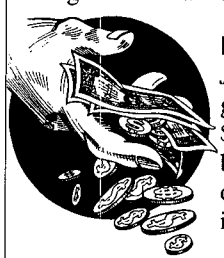
Housing Start. How to reduce homelessness by 90 percent overnight: Have census takers count street people. The Census Bureau's head count finds fewer than 250,000 homeless people nationwide. Homeless advocates say they concealed street people from census workers. But the Census count, while lower than some reputable private estimates, makes you wonder where they hid 2.7 million folks.

Nice Catch. Overfishing off the U.S. coast threatens halibut, flounder, and crab populations. The Commerce Department comes to the rescue, granting exclusive fishing rights to boat owners. Notes *The New York Times*, privatization will give owners "strong incentives to prevent overfishing or polluting the habitat because damage will [reduce] the market value of their [fishing] rights."

Hotel California. Some nonviolent criminals in California have a new way to repay society: restitution centers. Inmates, housed in refurbished hotels, pay one-third of their wages to their victims, another third to the state for room and board, and put the rest in a savings account. One inmate says of the program, "This is a lot better than being behind that [prison] fence. No weapons. No fights....You feel more at home here."

Liabilities

Governor Green. California Gov. Pete Wilson announces a 14-point plan to save the planet, pledging big bucks to buy up forests, "wetlands," and wildlife areas—and boosting the power-hungry Coastal Commission. Wilson will also create a CAL-EPA superagency and, breaking a campaign promise, appoint an environmental czar. Hey, wait a minute: I thought both Dianne Feinstein and Big Green *lost* last November.



Risky Policy. And you thought the S&L bailout was bad. In *National Journal*, Jonathan Rauch totes up deposit insurance, farm credit, loan guarantees, and the other risks taxpayers stand behind. We owe at least $6 trillion—*not* including disaster relief and Chrysler-style business bailouts. Even worse, Rauch concludes, the government insures "more of the economy than it used to, and much more of what the government insures has been going bad."

Bad Trade. Rep. Dick Gephardt (D-Mo.) could deep-six the free-trade agreement with Mexico. *U.S. News* says Gephardt wants the White House's Council on Environmental Quality to issue an environmental-impact statement on the pact; such a study could take years to complete. If the superprotectionists get their wish, say bye-bye to *perestroika* south of the border.

Speechless. To combat speech codes on college campuses, Rep. Henry Hyde (R-Ill.) sponsors a bill letting students sue *private* universities that abridge speech. This well-intended bill would stick the First Amendment's nose in all sorts of private activities. Eventually, such "constitutional" principles could prevent companies from disciplining employees who insult customers, or require churches to give equal time to Satanists. If colleges want to be stupid, let 'em.

—Rick Henderson

Rent Reform Rationale

The familiar arguments about inequity and inefficiency have yet to bring an end to rent control. A recent study by a New York City research group suggests an argument that appeals more directly to politicians' self-interest: Phasing out rent control would increase tax revenue.

The Citizens Budget Commission recommends decontrolling about half of the city's 1 million regulated units. (It proposes to retain rent control for apartments of people with low to moderate incomes, at least over the short term.) The CBC estimates that its plan would raise property values by about $1 billion, resulting in additional property- and sales-tax revenues of $80 million to $100 million a year.

The proposal is well timed, since New York City faces a projected budget shortfall of more than $3 billion next fiscal year. *The New York Times* has endorsed the idea. "With the city cutting vital services and flirting with new taxes that could stifle the economy, rent control can no longer be viewed as a politically benign way to do a favor for tenants at the expense of everyone else in New York," the *Times* editorialized in April. "Ignoring the economics of such unjustified subsidies has become political treason to the city."

Charles Brecher, the CBC's research director, says the atmosphere of fiscal crisis may give state legislators the courage to modify the Emergency Tenant Protection Act, which established New York City's rent controls after World War II. "Business as usual won't do it," he says. "This [additional revenue] alone is not going to close the gap, but given the enormity of the situation, a lot of things might get done that could not otherwise be done."

—Jacob Sullum

Wait a Minute

The general attitude toward the Brady Bill, which would establish a national, seven-day waiting period for the purchase of handguns, was probably best expressed by a supporter quoted in *USA Today*. "I like the idea of a waiting period," he said, "but I don't see how it will do any good."

A new study from the Colorado-based Independence Institute shows that such doubts are well-founded. David B. Kopel, a Denver attorney and gun-control expert, demonstrates that even the relatively modest claims of Brady Bill supporters do not stand up under close scrutiny.

Kopel carefully dissects the argument that a waiting period would have prevented John Hinckley's attempted assassination of President Reagan, the main impetus for the bill. He notes that Hinckley had no felony record and no public record of mental illness. Contrary to the assertion of Handgun Control Inc., it appears that Hinckley was indeed a resident of Texas, where he purchased the weapon, as required by law.

More generally, Kopel writes, "criminologists of every persuasion have examined waiting periods, and not one has found statistically significant evidence that waiting periods are effective." Criminals can readily obtain weapons by buying them on the black market, by stealing them, or asking acquaintances without felony records to buy them. "Of all guns acquired for crime," Kopel says, "only about 0.5% to 2% are personally bought at a retail outlet by a person with an existing criminal record who does not already have another gun."

Thus a waiting period coupled with a background check is a very inefficient way of preventing crime, one that would take police away from more-productive activities, such as street patrol. Kopel estimates that background checks would consume at least 7.5 million police hours a year; each resulting arrest would cost about $40,000.

The main effect of a waiting period would be to delay, and in some cases improperly prevent, the acquisition of handguns by law-abiding citizens. Citing actual cases, Kopel shows that even a one-week delay can be the difference between life and death for people who need a gun for self-defense. Moreover, he estimates that some 725,000 people would be mistakenly denied permission each year because of incomplete records.

Kopel concludes that supporters of the Brady Bill have failed even to show that the benefits of a waiting period would outweigh its costs. They have certainly not met the traditional burden of proof for measures that infringe on constitutional rights.

—Jacob Sullum

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You can't reduce stomach fat by exercising abdominal muscles alone.

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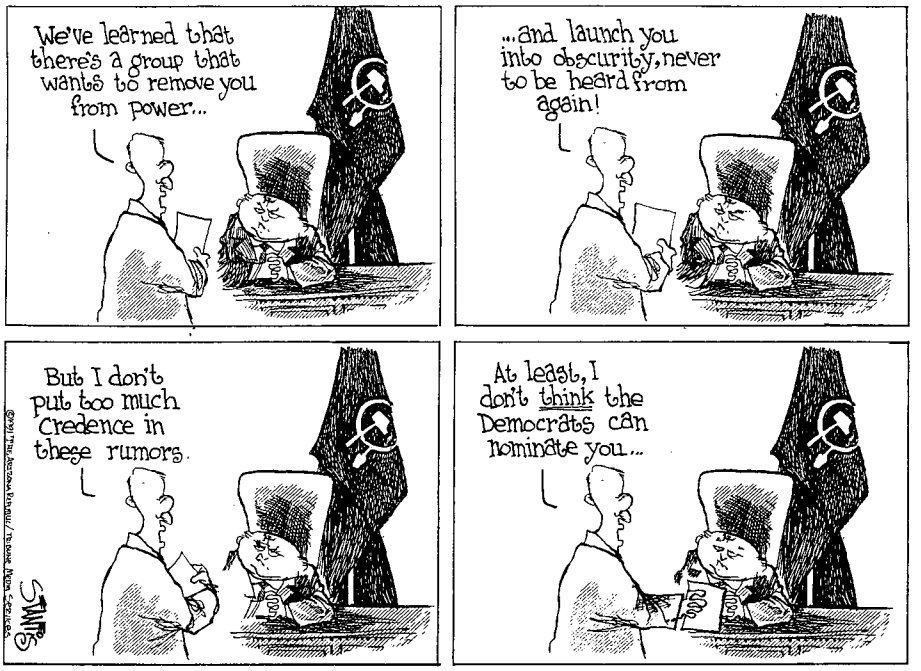
BRICKBATS

Merle Haggard is "proud to be an Okie from Muskogee." And Mary Lynn Rasmussen is proud to be an Okie, too. But the California Department of Transportation won't let her tell anybody. Rasmussen, who was born in Oklahoma, requested space on a sign at a freeway off-ramp to advertise her Okie Girl Restaurant. But Caltrans said no. The word *Okie* is politically incorrect, a slur on Oklahomans. In California, that is. Oklahoma Gov. David Walters says, "We Oklahomans are proud by any name of our heritage....If the authorities in California can't help the Okie Girl Restaurant, then we offer her an invitation to come home to Oklahoma."


We've learned that there's a group that wants to remove you from power...
...and launch you into obscurity, never to be heard from again!
But I don't put too much credence in these rumors.
At least, I don't think the Democrats can nominate you...
STAMPS

What's the first thing a people freed from oppression do? Build a casino. In the last couple of years, casinos have opened throughout the former Eastern Bloc from Yugoslavia to Hungary. But Poland is leading the pack. A dozen casinos have opened in hotels and nightclubs throughout the country. Even Warsaw's Palace of Culture sports a casino on the ground floor. Each night the gaming floors are packed with proletarians trying to beat the odds. Just wait until they discover dog racing.

What's the second thing a free people do? They get their MTV. A one-hour show adapted from the channel has been shown on Soviet TV for over a year, and it has been very popular with the nation's youth. But now the music video station is available in the Soviet Union 24 hours a day. It just goes to show that teenagers all over the world like the same things: babes in fishnet stockings and hunky rockers with no shirts.

Ethicist Michael Josephson found that teaching ethics to politicians is like teaching painting to a blind man. During a day-long seminar for California state senators, Josephson told the pols that ordinary working people don't regularly receive gifts as part of their job. But Sen. Diane Watson (D-Los Angeles) pointed out, "We're not ordinary people."

All men should have to pay a "sexual abuse" tax, says German politician Baerbel Tewes. The tax would fund self-help groups for women and children to help "repair the lifelong damage inflicted by men."

Life-sometimes-imitates-a-Cheech-Marin-movie department. During a mass arrest of vagrants in Santa Ana, California, police picked up Alejandro Garcia. After booking Garcia, they promptly turned him over to the Immigration and Naturalization Service, which whisked him off to Mexico. There was just one problem: Garcia was a legal resident of the United States.

Vice President Dan Quayle has told his staff that they are too brainy. Quayle worried that the eight lawyers and seven Ph.Ds who work for him were spending too much time reading peer-reviewed journals and academic books, so he asked them all to start reading *People* magazine. I guess he thought that *US* was just a little *too* lowbrow.

Environmentalists have a new ally—the KGB. The KGB is, of course, best known for spying, stealing military secrets, and assassinating the enemies of the Soviet Union. But now the agency has publicly pledged to use its resources to fight "ecological crime."

A panel of business leaders has asked the City Council of Chico, California, to require anyone buying a keg of beer to register it with police. The law is supposed to help police crack down on those who serve alcohol to minors and to help stop the parking lot parties at student complexes at the nearby state university. Oh, it sounds reasonable. But then they'll ask for a seven-day waiting period. Then a ban on anything larger than a pony keg. Pretty soon you'll have outright keg control.

—Charles Oliver

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- $17.75 each!

Why Mint State Morgans are a Bargain Right Now

by Patick A. Heller

Morgan silver dollars in Mint condition are at historic low prices, offering the astute investor an excellent opportunity for profit.

The rare coin market has risen substantially since its lows last November, but Morgan silver dollars are still available at very low prices. In all my years as a professional numismatist, I have never seen such bargains available.

And the funny thing is, the Morgan silver dollar is the most popular silver coin with collectors. It's easy to see why collectors love these coins– they are big, and they are beautiful!

And right now, they are also downright cheap!

I believe that prices for Mint State Morgans may never be this low again! That's why our numismatists have been busy bargain-hunting, acquiring quality Morgan dollars at prices so cheap that I know we will find ready buyers.

While our supply lasts, we offer Mint State Morgan Dollars at the following prices:

Half Roll	10 Coins	$18.50 each	$ 185.00
Full Roll	20 Coins	$18.00 each	$ 360.00
5 Rolls	100 Coins	$17.90 each	$1790.00
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And to make the deal even better, the Morgan silver dollars we offer were all minted in the 1800s!

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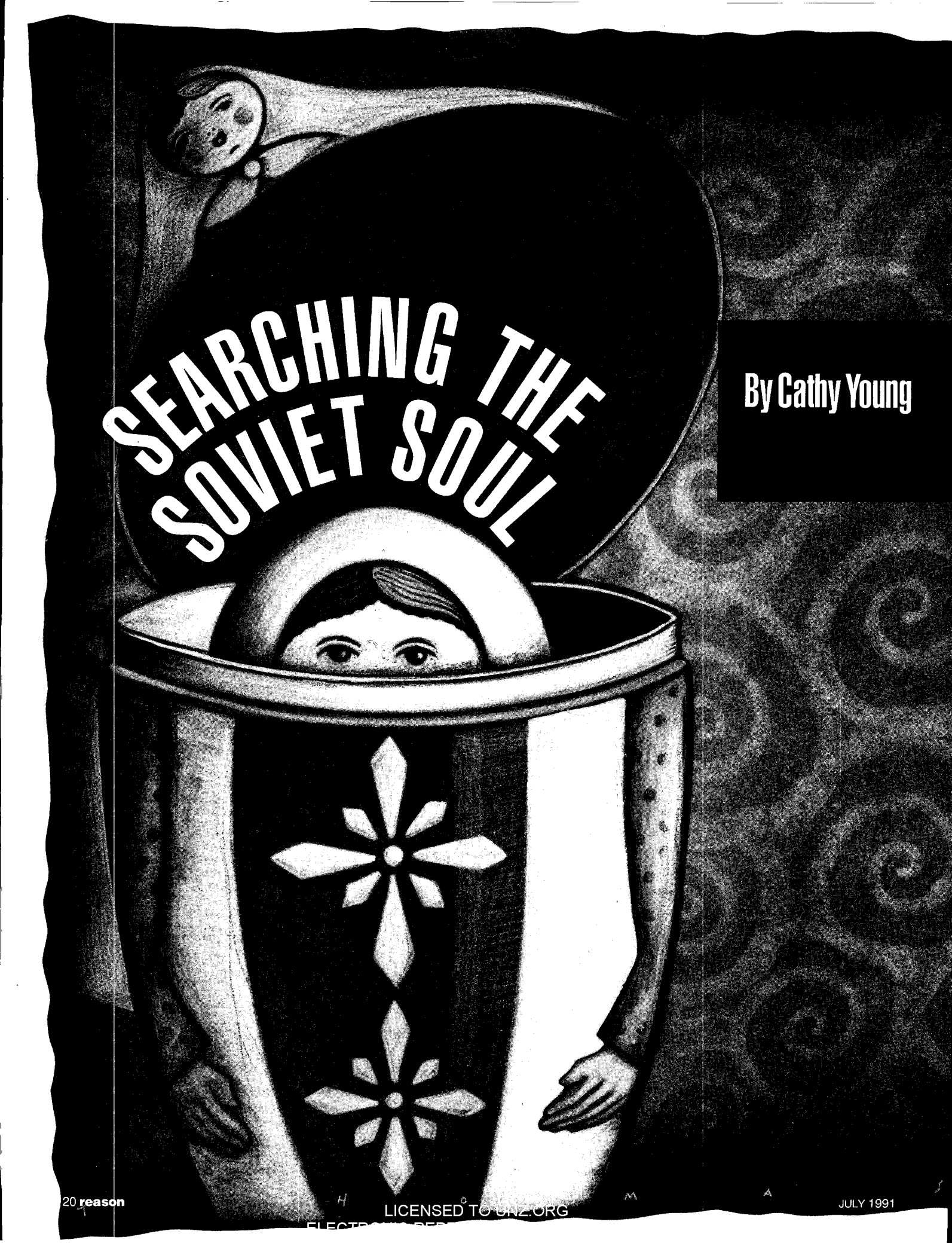

SEARCHING THE SOVIET SOUL

By Cathy Young

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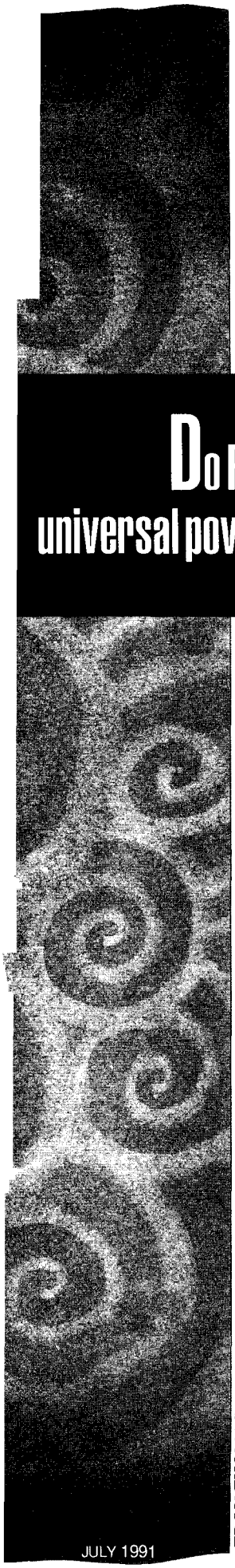


Do Russians really prefer universal poverty to unequal wealth?

On the first night of a month-long stay in Moscow last September, I flipped on the TV right in the middle of a special on "Enterprise in the USSR." A young man interviewed on the street was saying, "We were taught for 70 years that an entrepreneur is an exploiter, a grabber. Actually, enterprise is not even motivated by the desire to get rich but by the desire to leave one's mark on the world." A man in his 40s, standing in front of Moscow's famous McDonald's, offered this view: "We have always been told that capitalists were bad, but now we can see that they prosper themselves and help the rest of us."

Where were the Russians we always hear about? You know, the ones who prefer universal poverty to unequal wealth and want not to catch up with a more successful neighbor but to burn his house down? The ones who opt for the squalor of security over the rewards of risk-taking and favor communism for its social guarantees? Of course, the selection of responses in the documentary was probably somewhat tendentious, but it seemed that the camera crew did not have a very hard time getting pro–free-market comments.

Still, the belief that Russians are not taking well to market-oriented change has become

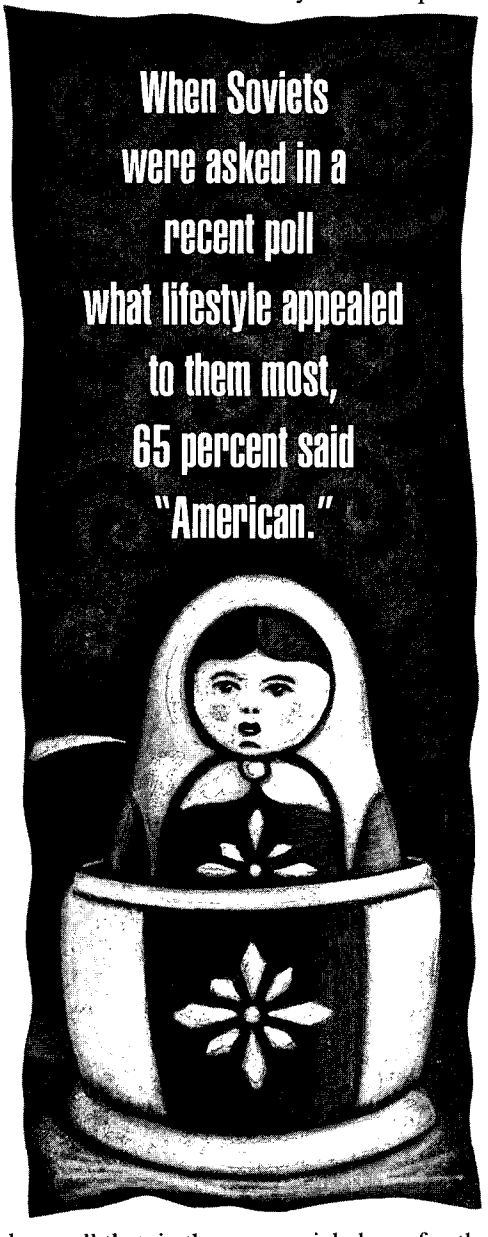
TROY THOMAS

something of an axiom. To explain this by inherent genetic traits would smack of racism (even if it's not the kind that brings a knock on the door by the sensitivity police), but cultural heritage coupled with decades of communist indoctrination will do just fine.

"For great masses of Soviet people," writes Hedrick Smith in his best-selling *The New Russians* (published in late 1990), "capitalism is still a dirty word, and the fact that someone earns more, gets more, is a violation of the egalitarian ideal of socialism." Besides ideology, "this hostility toward those who rise above the herd reflects the collective ethic of the *obshchina*," the village commune which, in czarist times, apportioned equal strips of land to peasant households, made most farming decisions, and frowned at "anyone who tried to advance beyond his peers."

In this neat scheme, large parts of Russian history disappear into the memory hole. Smith does mention that the commune system was deliberately fostered by the czarist regime as a supposed bulwark of stability. What he does not say is that in 1906, when violent peasant rebellions had proved this belief quite wrong, Prime Minister Pyotr Stolypin launched an ambitious land-reform program enabling households to withdraw from the commune and claim their plots as private property. Leo Tolstoy wrote to Stolypin denouncing the measure as evil, but many peasants apparently felt otherwise: By 1915 (when the Stolypin reform became a casualty of World War I), up to 50 percent had title to their land.

Smith also forgets that through most of the 1920s, after the specter of famine and revolt had forced the Communists to retreat from their hard-line ideological stance, nearly all Russian peasants worked as individual proprietors. They did so well that, in the 1930s, eliminating those who had grown too indecently prosperous and persuading the rest to join collective farms proved an arduous job that cost millions of lives.



The view offered by Smith is more than just a Western misconception. For the ultra-right Russian nationalists, it is an article of faith that Russians are not interested in material things, only in higher spiritual ones—presumably such as killing the Jews. ("The Russian is no money-grubber, no American," emoted one such "patriot" at a spring 1990 press conference. He'd be chagrined to learn that when Soviets were asked in a recent poll what lifestyle appealed to them most, 65 percent said "American.")

But liberal Soviet intellectuals echo the same themes, often—perhaps unwittingly—romanticizing the very traits they wish to deplore. In the April 11 *New York Review of Books*, the prominent writer Tatyana Tolstaya argues that Russia, unlike the West, has always elevated emotion over reason: "How many scornful pages have great Russian writers dedicated to Western pragmatism, materialism, rationalism? They mocked the English with their machines, the Germans with their order and precision, the French with their logic, and finally the Americans with their love of money. As a result, in Russia we have neither machines, nor order, nor logic, nor money." It's a nice point, but Tolstaya overlooks the fact that great Western writers have not been far behind their Russian brethren in bashing Western materialism, rationalism, and technology.

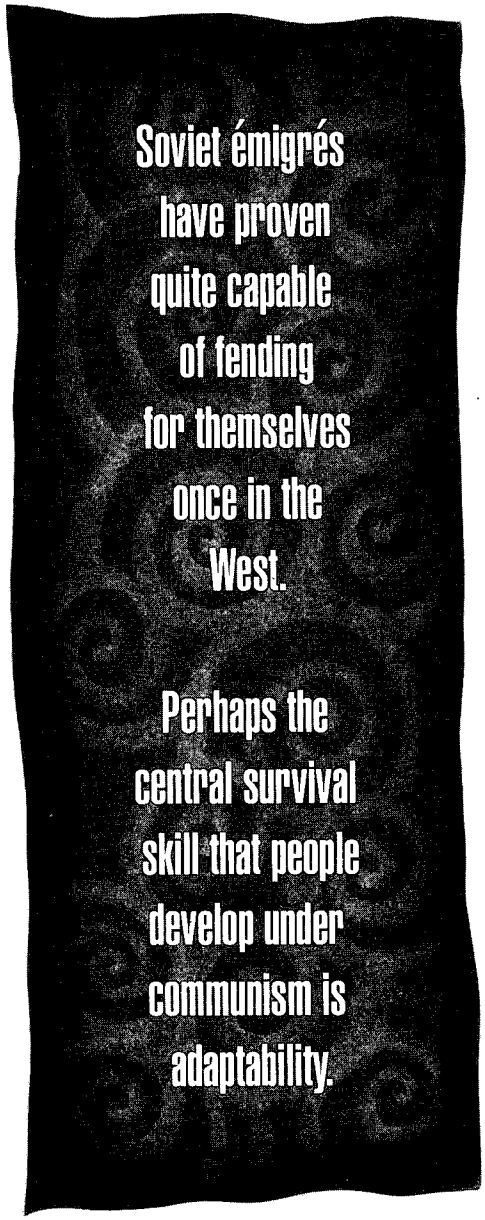
There is also the tenacious notion that Soviet people are used to having the state provide, if meagerly, for their basic needs and to having it relieve them from the trouble of fending for themselves. Widespread among Western pundits—including many conservatives, who seem to see the Soviet Union as something of a bigger, poorer, nastier Sweden—this idea is also surprisingly popular among Soviet reformers and radicals, who ought to know better.

Irina Ratushinakaya, a poet and former political prisoner who emigrated in 1986, is much closer to the truth when she writes in her 1991 memoir, *In the Beginning*: "If you are what our radio hails as 'an ordinary Soviet citizen' and have no access to special shops for the privileged...you will have learned from your childhood that you must fend for yourself, expect nothing from the state, and hope that the authorities will leave you alone."

While a Soviet citizen may have been provided with work, medical care, and cheap housing (though with *glasnost* have come shocking disclosures about homelessness and unemployment), the quality of these "benefits" was, in too many cases, not just low but unbearable: A family of five might be crowded into a damp, drafty room the size of an American prison cell. If you wanted or needed something better than what you had, you could either pester the authorities or trade with someone

else for their space; either way, you had to scramble and scheme for even the basics.

A middle-aged Soviet émigré once told me about a three-way apartment exchange her family had arranged to move from a communal apartment to a separate one. It sounded as complicated as a leveraged buyout and remained confusing even after she drew a chart to illustrate the deal. At no time in the history of the Soviet state were ordinary people relieved from the necessity of scrambling and scheming and foraging for clothes, furniture—even food beyond a few basic staples. A few years ago, a Muscovite shown on ABC News remarked that Soviet life was "like a chess game" where you always had to think about the next move.


Soviet émigrés have proven quite capable of fending for themselves once in the West.
Perhaps the central survival skill that people develop under communism is adaptability.

Add to this the fact that most people from all walks of life have always dabbled in the "shadow economy," inventing the most unlikely ways of making money. Burned-out light bulbs are sold so that people can quietly pocket a good light bulb at the workplace and replace it with the burned-out one. When the government issues an idiotic decree taking 100- and 50-ruble notes out of circulation, permitting only a limited amount of money to be exchanged for smaller bills, people quickly devise ways to get around that, such as buying railway tickets, which can be returned later for at least a partial refund.

When all is said and done, survival in Soviet society, even in the relatively "prosperous" '1960s, required far more energy and ingenuity than in any Western country. Meanwhile, the economy kept slipping, for the simple reason that all of this energy and ingenuity were applied to essentially nonproductive pursuits—not to making the pie bigger but to securing a slice of it.

This sort of "self-reliance" may not prepare people very well for the transition to a market economy. Over the years, Russians have developed specific survival skills required under socialism; many have even come to take satisfaction in their talent at beating the system. But a market economy requires a whole new set of skills. In many cases, economic reform has already disrupted the arrangements people had carefully devised for themselves over the years. On the other hand, Soviet émigrés have proven quite capable of fending for themselves once in the West; perhaps the central survival skill that people develop under communism is adaptability.

Black-marketeering habits, entrepreneurial though they may seem, could also prove a mixed blessing for future Soviet capitalists. Much of this experience, after all, is based on deceit and trickery; real business, unlike scamming, demands not only ingenuity but responsibility. Still, such behavior is a perfectly "rational" response to the rules of an irrational system. Change the rules, and behavior will change, too—perhaps faster than most people think.

Property ownership is a great educator. Remember the movie *Trading Places*? As part of an experiment by two rich amateur sociologists, the petty thief played by Eddie Murphy is installed in a beautifully furnished house. His first move is to steal a vase. His "patrons" point out that he does not have to steal anything: Everything in the house is already his. Before long, having gathered his street friends for a wild party, he quickly realizes they are trashing *his* place and throws them out.

But the restoration of real property rights is exactly what the Gorbachev regime balks at. Land ownership has become an especially bitter and contentious issue. Gorbachev's initial attempts to encourage individual farming by allowing people to lease plots of land as well as machinery from collective farms have completely failed to upgrade Soviet agriculture or improve food supplies. Is this because Soviet peasants have lost the habit of hard work? (How is it that, allowed to keep tiny personal plots and sell the produce grown there at unregulated prices, they somehow managed to produce 30 percent of the Soviet Union's food on about 2 percent of its tillable land?) Are they reluctant to wean themselves from the security of collective farms and resentful of those who strike out on their own?

Even Hedrick Smith, wedded as he is to the "culture of envy" theory of the Russian character, concedes that "the fundamental failure [is] not the mind-set of the farmers but the failure of the reformers...to provide attractive and viable conditions for private farming on anything but the kitchen-garden scale." Without real land ownership, the farmers remain "sharecroppers" at the mercy of local bosses (often the very same people who turn around and blame the lack of progress on the peasants' poor attitudes).

Nor can they ever be certain that they'll get to keep the fruit of their labors. Many still remember how, in the early 1960s, Khrushchev moved to cut the size of household plots and ban

individual ownership of cows; the ban was later repealed, but few peasants ventured to raise cows again. A farmer who contributed a "My View" column to the weekly *Moscow News* last September went to the heart of the matter. If his property rights were guaranteed, he wrote, he would have no trouble getting his adult children to come back from town and work with him; but how could he risk it when in 10 years, the battened farmers might lose not only their land but their lives?

Moreover, selling produce in the cities is far from problem-free. The number of farm markets is small, and official restrictions help inflate the prices to levels far beyond the reach of the average (angry) citizen. The November 9 *Izvestia* ran a letter from a farmer who had raised two pigs and traveled to Moscow to inquire about selling the pork; he found that meat-selling spots at every market were limited by the state-appointed administrators, with long waiting lists for vendors, bribes to pay, and a high minimum sale price. He gave up, went home, and smoked the pork for his own family.

It is much the same in other sectors of the economy. Cooperatives and small businesses are dependent on the whims of various levels of local government—and of the central state. On a Moscow street last year, walking behind a couple in their early 30s, I overheard the man say, "Why start a business when I don't know if six months from now it's still going to be my business or not?" Overnight, a new decree can make your business illegal, triple your taxes, cut you off from vital supplies. Often, the restrictions represent barely disguised extortion: A 1989 package of legislation severely limited the scope of activities in which private businesses or "cooperatives" could legally engage unless they were "affiliated" with state enterprises, i.e., unless state enterprises were cut in on the profits.

To the credit of the Russians, these conditions have not killed their entrepreneurial drive, but they have warped it. The arbitrariness of the rules fosters a "take the money and run" mentality. If your company is built on quicksand, why worry about your reputation? The necessity of wangling shady deals with officials reinforces the habit of approaching a business venture as if it were a scam.

Lifelong communist indoctrination, which taught that private enterprise was just a different name for cheating, may also play a perverse role: If it's all right to be an entrepreneur, many infer that it's all right to be a crook. Journalist Natalya Severin describes an example of this mindset in the September 1990 issue of the newspaper *Demokraticheskaya Rossiya*: Two young men in a Moscow park discuss an opportunity to make a quick million or two by turning an about-to-be-junked airplane into a passenger shuttle. ("The landing gear keeps giving out, but it'll hold out for a while.")

Communist bosses are now using their control over valuable properties to set themselves up in private business.

It won't take long for the common folk to realize that their oppressors have swindled them again.

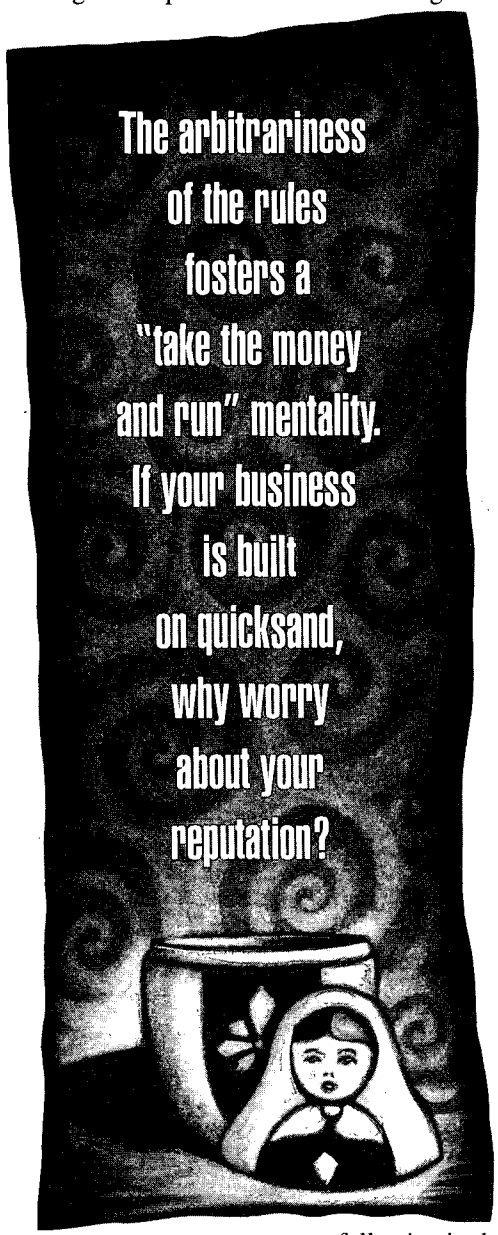
This incident prompts Severin to reflect sadly on the state of commerce in the Soviet Union now that "everyone is trading." Ventures of all kinds spring up and shut down almost immediately, not because they fail but because the entrepreneur makes a killing and moves on to greener pastures or simply quits on the entirely reasonable assumption that he might just as well "retire" on the money he's got while he can still keep it.

Ironically, Soviet "free enterprise" today resembles nothing so much as the old Soviet propaganda image of chaotic, jungle-like, fleece-your-neighbor, ethics-free capitalism—which could be seen as poetic justice if it weren't for the sad fact that those most responsible for the propaganda will suffer least, and vice versa. All Soviet entrepreneurs should not be tarred with the same brush, but unethical practices (to put it mildly) are sufficiently widespread to make popular resentment somewhat easier to understand. Is there also an element of envy in it? Sure there is. We don't have that kind of thing here in America, do we? Tell that to Michael Milken. Of course, affluent Americans are predictably less bothered than the pauperized Russians by the presence of the super-rich among them.

Many of my Soviet acquaintances who grumbled about cooperatives tried to make it clear that they were not against private enterprise, only against the sordid kind burgeoning in their society; some stressed the distinction between Soviet and Western business. ("This isn't like the West, you know," a young cab driver said. "There, any capitalist is concerned about putting out a good product and creating good conditions for workers." No wonder Ralph Nader was livid when he came back from a trip to Russia.) The readiness of vast numbers of Soviets to work for Western firms—despite their supposedly ingrained Marxist fear of exploitation by a private employer—is evident both from polls and from everyday life.

What is difficult for people to understand, or at least to accept, is that until the market is saturated enough to become less skewed in favor of the seller and the employer, the conditions that offend them will persist. Perhaps the tragedy of all the countries making the transition to the market at this late point in history is ill timing. The initial stage of capitalist development, nearly always accompanied by hardships and disruptions, is taking place just as economies teeter on the brink of disaster and the public is teased by ubiquitous images of far higher living standards abroad.

Despite these complications, it seems clear that the majority of Soviet people now support some version of capitalism. Last August, a poll of Muscovites found that 75 percent of the population—including 82 percent of those under 60 and 70 percent of workers—favored the market, though most had reservations about the speed of transition and (rightly) about the government's plans to raise prices without deregulating the supply of goods. Even more interesting figures come from a survey of delegates at the first congress of Soviet miners in June 1990. Only 3 percent were in favor of a centrally planned economy, while 55 percent supported a "regulated market economy" with a social safety net and 34 percent endorsed a "free-market economy."


The arbitrariness of the rules fosters a "take the money and run" mentality. If your business is built on quicksand, why worry about your reputation?

In her *New York Review of Books* essay, Tolstaya looks back on Russian history with its tortures, slaughters, and intolerance and seems to despair of the country's ability to ever choose freedom. Yet every country's past has its share of horrors. Even America's unusually benign history includes religious persecution, slavery, and a bloody civil war.

It would be silly to argue that nations do not develop distinctive habits or traits, but what we see from modern history is that "national character" is far from immutable. Japan, a non-Western country with no democratic or individualist tradition, has succeeded quite well at capitalism. True, it retains a strong collectivist ethos, but even that is being eroded by two generations of prosperity. Meanwhile, Holland, once a Calvinist pioneer of free enterprise, has gone down the path of permissiveness and welfare statism—and is beginning to worry about a younger generation that seems to be losing all sense of a work ethic.

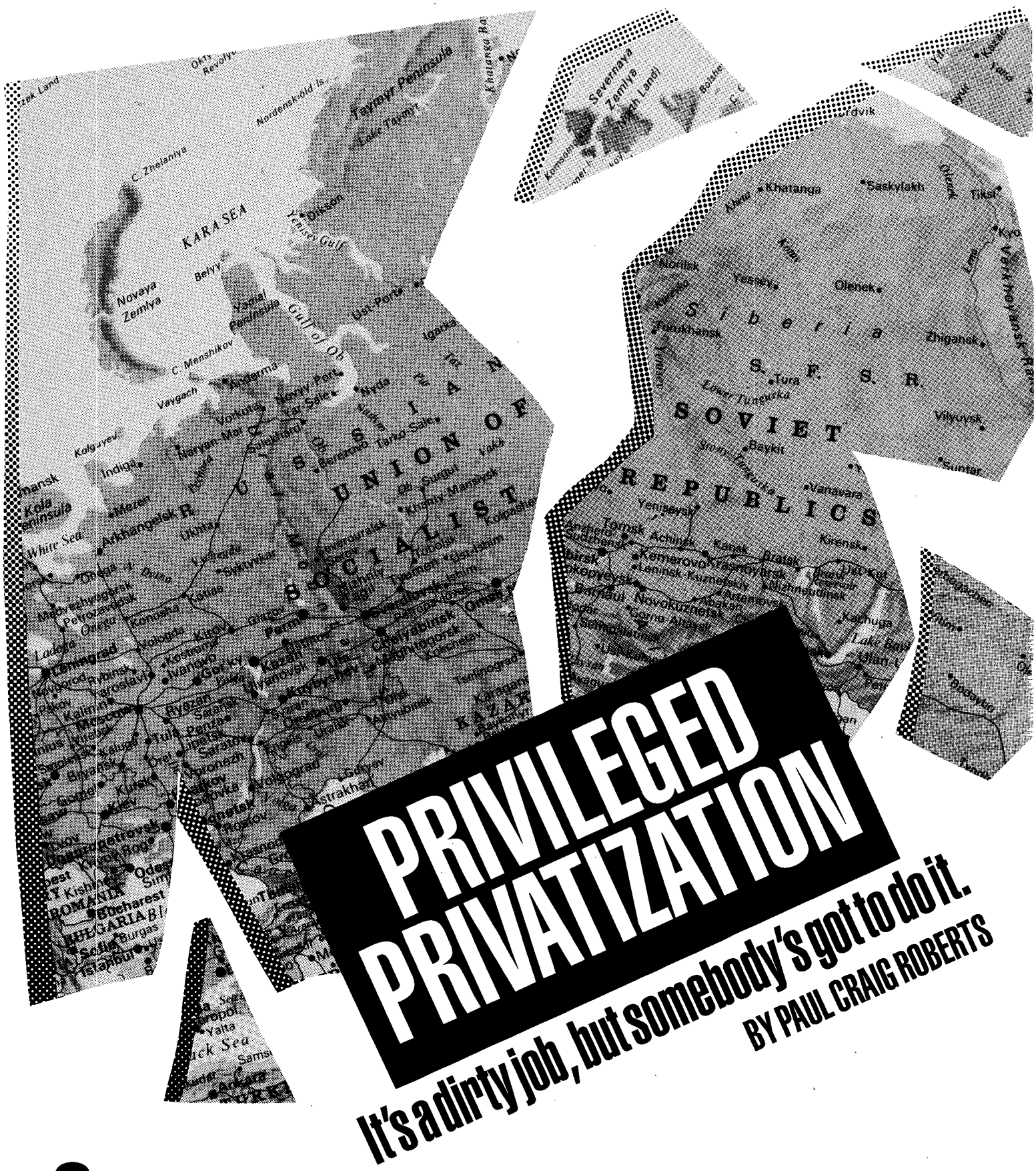
Even the Soviet Union's ruling Communist elite, the *nomenklatura*, has probably given up hope of restoring the past; the structure that supported totalitarianism seems to have been broken beyond repair. But that does not mean the Communist bosses have given up their positions of privilege. Quite a few are now using their powers and their de facto control over valuable properties to set themselves up in private business. Radicals such as Moscow Mayor Gavriil Popov speak of the dangers of a "*nomenklatura*-style privatization" in which Communist bosses will turn themselves, without batting an eye, into "capitalist" owners.

Popov and other free-market economists concede that even this oligarchic capitalism is better, in the long run, than no capitalism at all. Still, such a path is fraught with dangers. If the *nomenklatura* combines its new "capitalist" incarnation with its traditional hold on the levers of state power, it will be in a position to stifle the true entrepreneurs. In a speech at the Cato Institute in Washington last February, Popov suggested that the recent Soviet decree vastly expanding the KGB's powers to investigate private businesses for "improprieties" may be an attempt to protect Communist-officials-turned-businessmen from their competitors.

Perhaps more dangerously, under this scenario ordinary people can have no stake in privatization. It won't take long for the common folk to realize that their old oppressors have swindled them again, and this realization will come at a time when the celebrated Russian patience is wearing quite thin. Since the swindle will be passed off as a "transition to the market," one possible consequence could be a surge of support for Pamyat-type nationalists, who inveigh against capitalism as much as they inveigh against the Jews (and whose current following is about the same size as that of the LaRouchies in the United States).

Many Western commentators and liberal Russian intellectuals would, of course, see this as more evidence of the exotic and irrational nature of the Russian soul. In fact, if it does happen, it will be something else altogether: In one of the saddest ironies of modern times, new, reconstructed, profit-minded Communists will have succeeded in giving capitalism a bad name. ■

Cathy Young is the author of Growing Up in Moscow *(Ticknor & Fields).*



PRIVILEGED PRIVATIZATION

It's a dirty job, but somebody's got to do it.

BY PAUL CRAIG ROBERTS

On March 22, I met with Soviet economist Stanislav Shatalin, co-author of the 500-Day Plan to move the economy to a market base that Mikhail Gorbachev first endorsed and then dropped. Shatalin was pessimistic about the Soviet economic outlook and said he would not be surprised if output fell 30 percent this year.

Shatalin's guess is as good as anyone's. There is little doubt that official Soviet output is declining, as de facto privatizations divert more state resources into unofficial channels, or that costs in the private sector are high due to bribery and extortion.

Although the near-term outlook is dismal, fundamental changes have occurred. Politically, communism has been discredited and, in addition, Kremlin rule (whatever its political hue) over the republics has been called into question. It is hard to see how there can be both a Russian government and a Soviet government.

Economically, a process similar to the enclosures, which created private property and exchange rights out of European feudalism, is under way. The feudal lords of the manor controlled property they did not own—that was not, in fact, owned by anyone. They were therefore able to make land private simply by claiming the right to sell it and forcibly evicting the peasants who occupied it. A similarly rough process of making unowned resources private is taking place in the Soviet Union.

The de facto privatizations, which have long characterized a system in which people who control resources and budgets succeed in diverting them from official purposes, have been accelerated by *glasnost* and *perestroika*. Elements of the old order are plundering the system, while the center loses control and goods disappear from state stores.

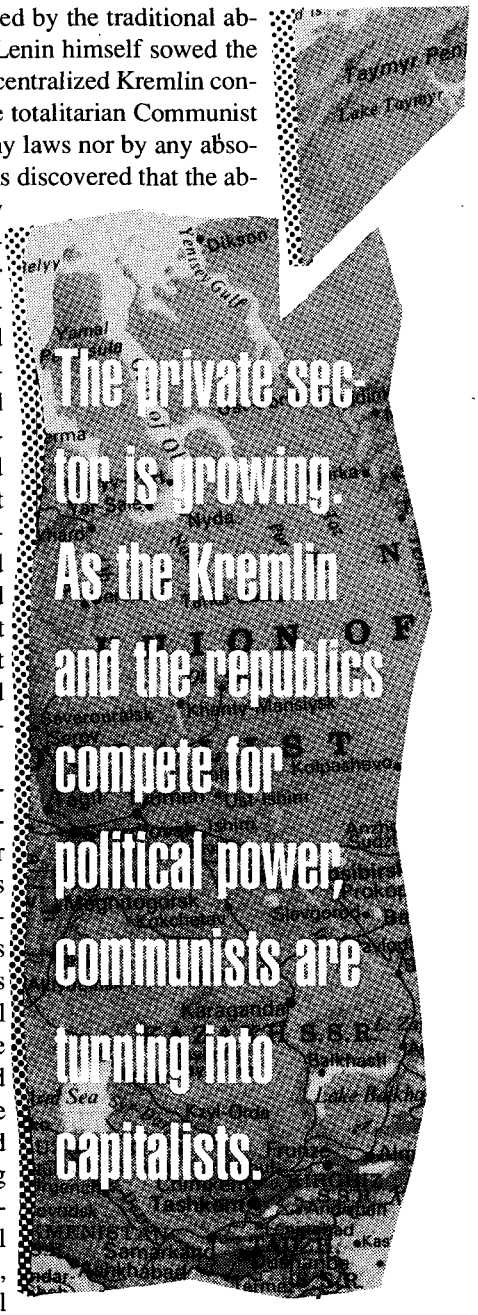
The private sector is growing. Reforms, such as leasing and the right to establish cooperatives, have enabled well-placed individuals to use various devices to convert state property to their own. Cooperatives are created that have parasitic relationships with state enterprises, enabling them to divert state property to the cooperatives' owners. Other state properties disappear by being converted into joint stock companies that, in turn, create a bank that purchases the holdings, thus disguising the transfer of ownership to local power brokers.

Economic reformers complain about these de facto privatizations and accuse Gorbachev of dragging his feet on real reform in order to let his Communist cronies grab economically what they are losing politically. At the moment, there seems little to constrain this process. Effective government intervention is difficult because of the unresolved competing claims of the Kremlin and the republics. Even though the new democratic politicians realize that the de facto privatizations make them look politically ineffective, they rationalize their inaction on the grounds that "communists are turning into capitalists," which is all for the good.

The growing diversion of resources has meant that even managers who continue to operate within the official economy have to scramble to obtain inputs by increasing their connections to the informal economy. One wonders if the coal strike will be settled when the miners are privately approached to sell the resources that they control.

The longer the de facto privatizations continue, the more difficult they will be to reverse, short of a civil war that defeats the new owners. Until the question of political power is resolved, government lacks the ability to institute a sweeping de jure treatment of property. Moreover, the new owners seem prepared to back whichever government prevails.

Competing governments and autarkic developments make a fertile ground for the enclosures, and we may witness the transformation of the Soviet Union largely through unofficial means. The ability of officials to establish their economic independence is enhanced by the traditional absence of a rule of law. Lenin himself sowed the seeds for the decline of centralized Kremlin control when he created the totalitarian Communist Party "not limited by any laws nor by any absolute rules." Apparatchiks discovered that the absence of a rule of law meant there was no institutionalized process for holding them accountable when they used their positions for personal enrichment and created personal fiefdoms. As they learned that they could divert and rechannel state resources, they created khanates, satrapies, and robber baronies that feudalized the Soviet Union and established an alternative distribution system.


The private sector is growing.
As the Kremlin and the republics compete for political power, communists are turning into capitalists.

A goal of Gorbachev's policy was to recentralize the power usurped over the years by the system's officials—a difficult task, as the unofficial fiefdoms often overlap official structures. But the economic reforms did not go far enough to be effective and succeeded mainly in accelerating the diversion of resources from official channels. Similarly, Gorbachev's political reforms resulted in the republics' making claims at the expense of the Kremlin. People in a position to do so are taking advantage of confusion and chaos to grab property.

Thus, the Soviet Union is being privatized as a result, in large part, of governmental failure and paralysis. Our own interventionists will find the result distasteful, but it is not an outcome that should surprise or distress libertarians. ◼

Former Assistant Treasury Secretary Paul Craig Roberts is the William E. Simon Fellow in Political Economy at the Center for Strategic & International Studies in Washington, D.C.

AN ISLAND

A Marxist his own

MAP COURTESY OF THE NEW YORK TIMES

Of CAPITALISM?

By Phaedra Walker

On remote Sakhalin Island in the Soviet Far East, the local Communist Party has established a business club. Western observers, now accustomed to the growing number of economic initiatives in the Soviet Union, no longer think twice about such revelations. Throughout the country, proposals abound for a stock market, banking reform, establishing a convertible ruble, encouraging small businesses, introducing land ownership, and even allowing profits. But unilaterally, the local government of Sakhalin *oblast* (region) has announced its intention to develop a free-market demonstration project and has started to implement many of these initiatives.

economist creates enterprise zone.

Valentin Fyodorov, chairman of the Regional Executive Committee of Sakhalin *oblast*, models his economic reforms on Western institutions, desiring to raise the standard of living on the island. In 1987, Fyodorov, then a professor at the Plekhanov Institute, an orthodox Marxist school of economics, was already frustrated by the slow pace of *perestroika* and was convinced that real economic reform could not be centrally planned but would have to grow from individual initiatives. He dreamed of setting up a free-market experiment far away from the meddling hands of Moscow's central planners to demonstrate to the nation the system's advantages. To find ways to implement his ideas, he sought advice from American and Japanese businessmen. Fyodorov's proposals captivated Fred Kiesner, a professor of management at Loyola Marymount University in Los Angeles. Kiesner then made five trips to Moscow to help Fyodorov learn more about the ways of Western business.

Fyodorov realized that the implementation of his radical economic reforms would be most successful if he were able to win popular support for his ideas in an isolated area. In the spring of 1990, Sakhalin *oblast* held a democratic election for posts on the Regional Executive Committee. Fyodorov seized the opportunity and moved from Moscow to the *oblast* specifically to run for office. Campaigning on a free-market platform, he received an overwhelming 85 percent of the vote, won a seat on the committee, and was subsequently appointed chairman—essentially governor—of the *oblast*.

The *oblast* appeared ideal for a free-market experiment. Eight time zones away from Moscow, the island is just 25 miles from Japan and ideally situated in the Pacific Rim. It has vast oil, coal, and timber reserves as well as a large natural harbor and a land mass about the size of South Carolina. The residents include a large minority of Koreans who have retained a cultural affinity for entrepreneurship. The major drawback for the *oblast* is that it contains the Kuril Islands—over which both the Soviet Union and Japan claim sovereignty—but Fyodorov hopes to turn even this to his advantage and has recently proposed declaring the island chain a joint free-enterprise zone with Japan. This problem will take years, if not decades, to resolve.

Though only in office since April 1990, Fyodorov has worked at a feverish pace to translate his ideas for economic reform into reality. During this time, Kiesner has been to Sakhalin Island twice and has played an instrumental role in helping Fyodorov set the rusty engine of the market in motion.

Though Western economists generally advocate an immediate "shock therapy" transition from a command to a market economy—freeing prices, breaking up monopolies, selling government property—Fyodorov argues that this approach won't work in Sakhalin *oblast*. He cites two reasons: The local standard of living there is too low (50 years behind even Moscow), and the new democratic government is only beginning to gain public trust. The short-term chaos of an overnight transition could rapidly lead to civil strife and put the fragile democratic institutions at risk. Kiesner describes Fyodorov's strategy as similar to that of a large corporation that is switching computer systems: "You want to make sure that the new system is ready before you disconnect the old."

Fyodorov's strategy tries to simultaneously expand the market sector of the economy and reduce the planned sector. He is pressuring Moscow to reduce the output required by the central plan from the *oblast*'s factories each year. With only a small market sector at first (but expanding every year), managers have a lot of room to learn effective business practices through

trial and error. Managers are encouraged to make the most of their production capacity and can sell any output exceeding plan targets on the nascent market. Theoretically, the enterprises can keep their profits, but such essentials as defining profits and standardizing accounting procedures haven't been worked out.

Fyodorov continuously discusses ideas and investment with Western business people.

Now able to sell their products directly to consumers, companies struggle with such basic Western business problems as market research and advertising. Fyodorov not only allows such practices, he is inviting American and Japanese businessmen to teach them. Kiesner reports that though no state firms have yet been privatized, the managers are already beginning to act less like bureaucrats and more like Western business executives. For example, the manager of an ice cream production facility declares that due to huge demand, the plant is adding new flavors and expanding production. Elsewhere, a clothing manufacturer pores over the pages of a J.C. Penney catalogue, seeking Western fashion ideas.

Fyodorov's attacks on the legendary legal and bureaucratic hurdles for individuals who want to establish small businesses have also resulted in striking changes. He has stated that the role of the government should be to aid entrepreneurs, not hinder them, and he has been cutting the layers of government red tape that impede even the smallest business transaction. As a result, corner flower stands, produce markets, and small restaurants are popping up throughout the region. The hiring of employees, a fundamental taboo of Marxism, is now permitted to a limited extent.

In addition to the corps of American and Japanese businessmen that advises him, Fyodorov takes advice directly from his constituents. He has his own radio talk show during which citizens call in to voice specific complaints or make requests to streamline government paperwork and business-licensing procedures. Fyodorov has donated government office space to develop an infant-business incubator—a central office where young businesses will be able to share equipment and experiences, and consult with American and Japanese volunteers. Once strong enough, the young businesses will move out to their own quarters, allowing new enterprises to benefit from the facilities and services. The reforms that Fyodorov has enacted are quite radical by Soviet standards.

Sakhalin's distance from Moscow makes it easier for Fyodorov to entertain Westerners, such as Loyola Marymount Dean John Wholihen.

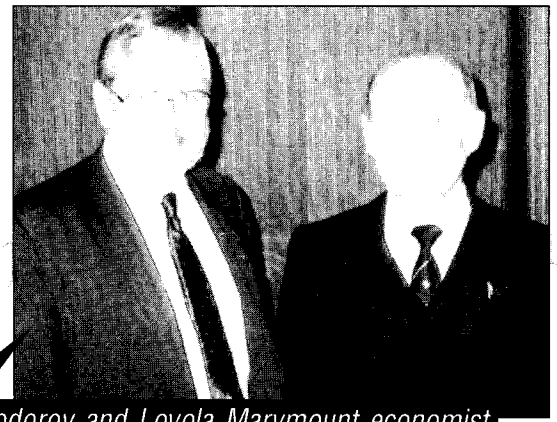
Unfortunately, any reforms led by Fyodorov face a serious impediment: The chairman still unconsciously retains many basic Marxist beliefs. American business consultants may have taught Fyodorov how to establish the institutions of the marketplace, but the mindset of Marxist indoctrination remains. He still adheres to the socialist premise that the government must direct capital, resources, property, and even human labor to achieve "socially beneficial" results. Like Soviet officials at all levels, he can list the structures and institutions necessary for the operation of a market economy yet distrusts the seemingly random decisions made in a market system—a fault shared by many Westerners.

Consider the island's homesteading plan—a step toward property rights. Last year, the Soviet military handed control of several thousand acres of land over to the Sakhalin *oblast* government. In turn, over the objections of Moscow, Fyodorov began a homesteading system similar to the American model. Homesteaders can apply for a parcel of land on which they must farm for 10 years before the title is issued. But after receiving title to the property, the new owners still face an array of restrictions limiting their use of the land and freedom to sell it. The government says these restrictions will prevent land speculation and ensure that the property is used for a "socially beneficial purpose."

Left to their own devices, the homesteaders might choose to do anything with the land: build a housing complex, offices, a factory, a health spa, a farm, or something else entirely. In the skewed vision of someone who distrusts the market, any of these choices would be only for personal gain. In the larger picture, the individual will enjoy gain only if he has made a wise choice to produce goods or services that others want. And only through broadening the choices available to island residents can Fyodorov ever hope to significantly improve their lot.

In truth, Fyodorov has about the same understanding of the free market as the average American politician: Both want to enjoy the prosperity of a market economy but wish to eliminate those elements they believe to be undesirable. Like some American politicians, Fyodorov resists imports, claiming that the standard of living will falter and his island will lose jobs and hard currency if it imports goods that might be produced domestically. He thinks foreign investment exploits the weak, so he only approves outside investment once he has been

convinced that it will be in the best interests of his people. Likewise, Fyodorov allows only those domestic business ventures he deems socially beneficial. In a nation with strong free-market traditions such as the United States, such distrust of the market will chip away at the economy's foundation bit by bit, but on Sakhalin Island, where a market scarcely exists, the effect will be prolonged stagnation.



Fyodorov and Loyola Marymount economist Fred Kiesner, who says the governor has "done just about everything right."

Another problem, Kiesner says, is that the people of the *oblast* barely understand how to run a profitable business. "All they see is the rich side of it," he explains. "They don't understand the concept of risk at all. And they don't even begin to grasp how much work is involved."

So Kiesner hopes to teach the residents of Sakhalin how to operate viable enterprises. With a shoestring budget and a corps of American volunteers, Kiesner has brought Fyodorov and Sakhalin's brightest and best to the United States for intensive workshops and hands-on experience. Back in the Soviet Union, the American mentors offer additional seminars and informal advice sessions—with overwhelming success. Kiesner says that when he would tell someone he wanted to give a seminar, "people would appear out of the woodwork to attend." Though he has lectured on the subject worldwide, from Singapore to Ireland to Yugoslavia, nowhere have people listened with such rapt attention as in the Soviet Union. "They would always come up to me after the lecture all excited and tell me that 'Yes, I can do that! I can become an entrepreneur!' "

Another hopeful sign is Fyodorov's open-mindedness. He does not reject any proposal out of hand as too radical. His feisty attitude of "act now—legalize later" has led to constant skirmishes and political battles with the Kremlin. He has attempted to wrestle economic control of the island's natural resources away from the central government so the island can sell them for hard currency. And to expand contacts with the West, Fyodorov has started negotiating with Alaska Airlines to establish a stop at Sakhalin between the United States and Japan.

Fyodorov wants to do more than bypass the Kremlin's planners: He wants to implement banking and currency reform and establish a stock market. Unfortunately, as long as the *oblast* remains a part of the Soviet system, such reforms will be difficult to implement.

Even if Fyodorov were a libertarian visionary, he would still have to convert his constituents. Though he was elected with 85 percent of the vote on a free-market platform, the Soviet people's understanding of market economics has been warped by their communist upbringing. They must overcome a deeply ingrained resentment of economic success and the pervasive notion that all people must live equally.

Among the Soviet entrepreneurs, this resentment of the better-off transforms into guilt about their own economic success. Entrepreneurs shy away from open consumption and donate large amounts of their income to civic causes—setting up private schools, charities, helping out other budding entrepreneurs, and the like. Currently such donations are voluntary and greatly benefit the community, but this climate of envy could lead to harsh repercussions against those who prefer to purchase consumer goods (as they become more available), reinvest in their businesses, or simply save their money. Fyodorov's shaky faith in free-market concepts makes these challenges even more daunting.

Fyodorov's stated goal remains to transform Sakhalin *oblast* rapidly into a free-market zone fully functioning in the world economy. He originally gave himself three years to make his economic reforms show definite results and then moved his self-imposed deadline back to two years, fearing that if his people do not see results soon they will become ever more antagonistic toward reform. He now even questions his government's ability to withstand the public hostility of another winter of shortages and food riots.

If handicaps preventing growth and holding down the standard of living continue, the prospects for Sakhalin's long-term success are quite bleak. The residents will be told that they live in a free-market zone, but if their lifestyle does not improve, they may become disillusioned and opt for a return to the more predictable days of central planning.

There is reason for hope. The island's distance from Moscow makes any repression initiated by the Kremlin unlikely. Though the central government has turned back toward the hard-liners, political battles between Sakhalin and the center have not noticeably increased. Fred Kiesner voices little objection to the course of Fyodorov's reforms so far, saying that all things considered, the governor has "done just about everything right." Even if Fyodorov is confused about market economics, Kiesner concludes, his reforms show that the governor means well and is learning. And in the Soviet Union, Fyodorov is the closest thing to a Milton Friedman with actual authority. He still enjoys immense popular support more than a year after his election.

Indeed, the most promising sign for the region is that its leader is receptive to new ideas and innovations. With a parade of Western business consultants welcomed to advise Fyodorov and teach his people, it may be just a matter of time before Sakhalin's citizens learn to accept and understand the pitfalls as well as the advantages of a market system. ◻

Phaedra Walker is assistant editor of The National Interest.

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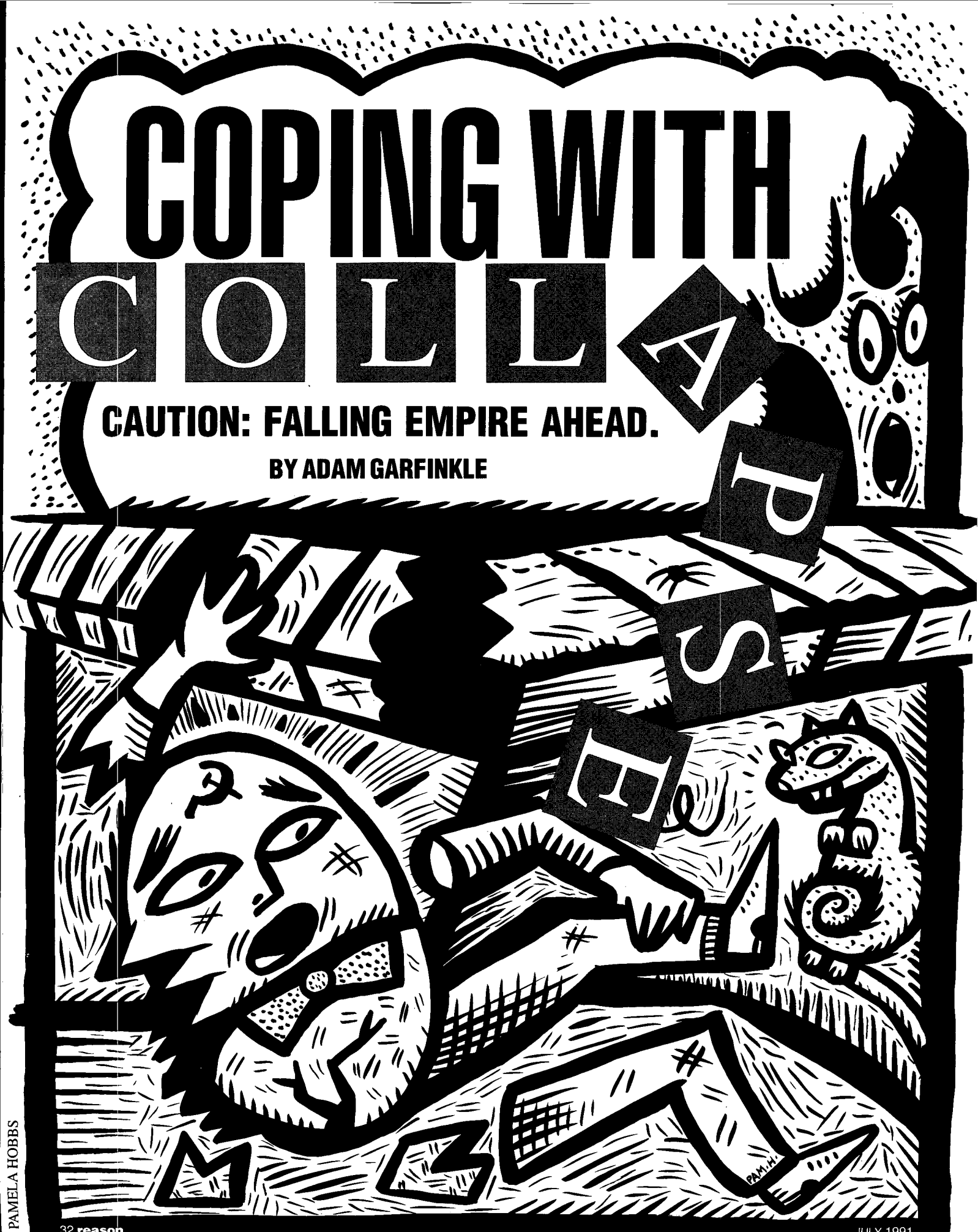
CAUTION: FALLING EMPIRE AHEAD.

BY ADAM GARFINKLE



PAMELA HOBBS

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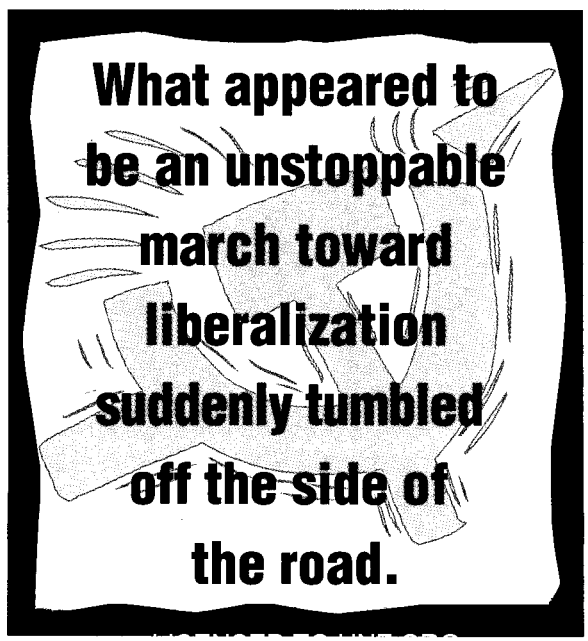
While the Bush administration and the American people agonized over Saddam Hussein and the liberation of Kuwait, something strange was happening in Mikhail Gorbachev's Soviet Union. What had appeared to many in the West to be an unstoppable, irreversible march toward liberalization at home and "new thinking" abroad suddenly tumbled off the side of the road and got stuck in the muck of economic irresolution, the nationalities problem, and general political confusion.

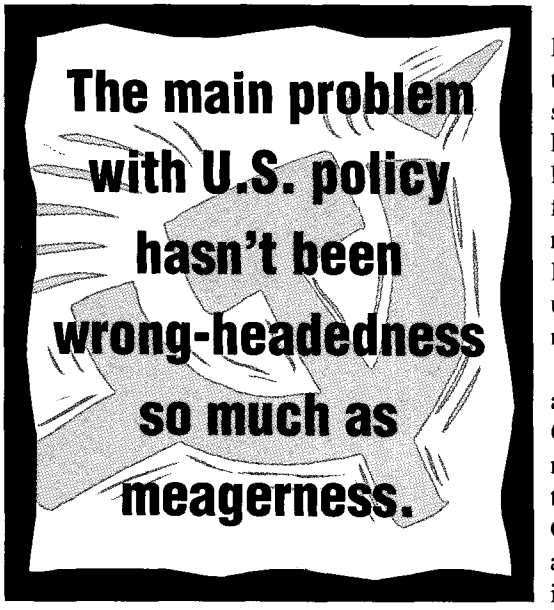
From the hopeful herald of the Shatalin Plan's "500 days to a market economy" early last fall, the Soviets have lurched toward fear of starvation, secession on the empire's periphery, and civil war within its very core. First, Eduard Shevardnadze turned on Mikhail Gorbachev and, in a dramatic huff of resignation rhetoric befitting a scene from the dying Roman Republic, warned the world about the coming Soviet dictatorship. Then Boris Yeltsin called on Gorbachev to resign, his supporters in the streets defying military intimidation and allying themselves with the most explosive (and ironic) new force in Soviet politics: a politicized proletariat epitomized by striking coal miners. And then just as suddenly, Gorbachev and Yeltsin make a deal so surprising and dramatic that both we and the Russians are left dazed and wondering what next.

And what has been the American response to all this? The administration considered food aid. It worried quietly about the implications of Shevardnadze's departure, and then it criticized the Soviet Union for using deadly force against unarmed innocents in Lithuania—and nothing more. Washington lagged behind even the European Community—which temporarily suspended aid—lest it be seen to publicly rebuke Gorbachev. It even "postponed" the scheduled U.S.-Soviet summit lest outright cancellation imply displeasure



with Moscow. Now, as events accelerate in the Soviet Union, the administration seems unable to say or do anything beyond sending the Secretary of State to Moscow on a side trip from the Middle East.

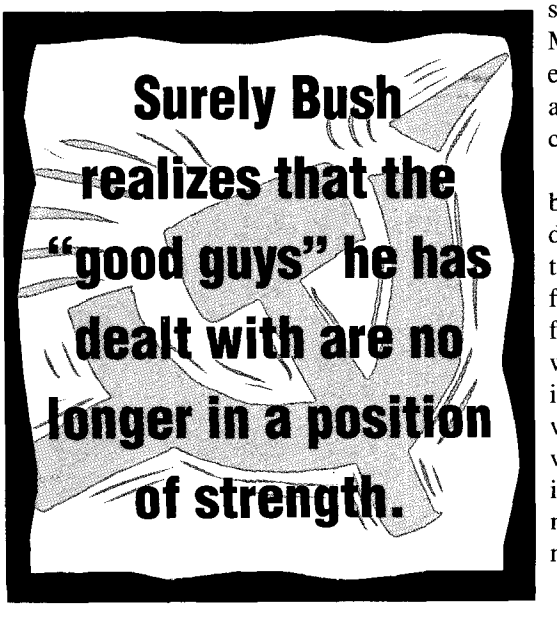
The main problem with U.S. policy over the past several months has not been wrong-headedness so much as meagerness. The administration's seemingly disinterested ad hockery has simply not been a realistically proportioned response to what seemed, in effect, a slow-motion coup d'état in Moscow, followed in late April by Gorbachev's deal with Yeltsin to break free of the would-be coup-makers.



Compare the enormous effort marshaled by the administration to reverse Iraqi aggression against Kuwait with the yawningly detached attitude it displayed toward the hurtling collapse of the Russian Empire. One can only wonder what future historians will make of this juxtaposition, and one is reminded of the witticism that while it may be very artful to repair a watch while falling from an airplane, it just isn't very useful.

Just think what the lead stories would have been during the last eight months had there been no crisis in the Gulf. *Glasnost* Out, Censorship Back In. *Perestroika* and Price Reform Abandoned; Central Economic Control Again Emphasized. Gorbachev Hand-Picks Narcoleptic Reactionary as Vice President. Latvian Thug Boris Pugo Named Soviet Interior Minister. Soviet Government Confiscates 40 Billion Rubles from Citizens; Abolishes 50- and 100-Ruble Notes. Red Army Patrols Streets with Police to Head Off Protest.

Headlines or no, the Soviet Union—and U.S.–Soviet policy with it—is in deep crisis. Surely it must have dawned on the president and his closest aides that the "good guys" with whom we have been dealing are no longer in a position of strength. They have seen the rise of the Soviet military at the expense of the foreign ministry both in the evolution of Soviet policy toward the Persian Gulf and, especially, in unmistakable Soviet backtracking on arms control agreements.



Consider the Soviet attempt to escape the terms of the Conventional Forces in Europe agreement by relabeling three motorized rifle divisions as "naval coastal defense forces." This ploy, created by the Soviet military and foisted on the Kremlin, was so patently unreasonable that its purpose must have been to obstruct progress on the Strategic Arms Reduction Treaty. Soviet military leaders seem to believe that START favors the United States (in fact, it marginally favors the USSR because it leaves Soviet counterforce advantages uncorrected), and they wish to stop its ratification or force its renegotiation.

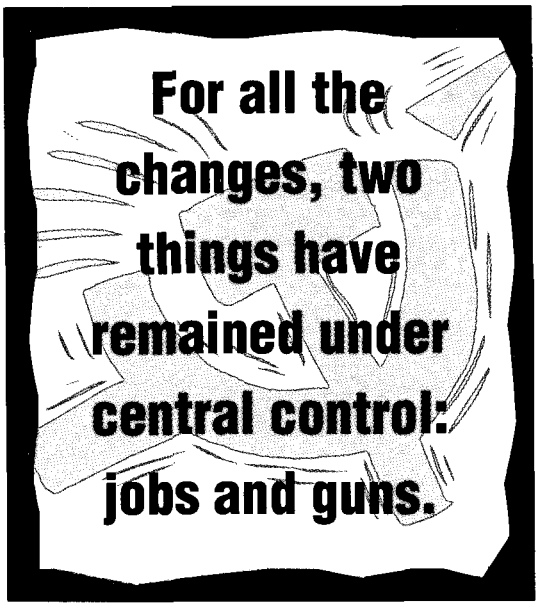
More important, the Soviet military and its civilian allies hope to diminish Gorbachev's stature and thereby exert more control over him. By stalling the treaty they seek to make it impossible for Gorbachev to sign the completed accord at a U.S.-Soviet summit. After all, Washington has stated repeatedly and with good reason that it will not move to complete START until the ratification provisions of the CFE accord are implemented—and with no START, no full-scale summit. The Bush administration pleaded with Gorbachev in late March to overrule his military in the interest of U.S.-Soviet amity. Gorbachev seems to have succeeded in moving the Soviet military on the CFE, but how stable the arrangement is, and whether it will spill over to speed the START negotiations, no one can say.

In any case, it's clear that what once looked like Gorbachev's greatest potential value to the future of U.S.-Soviet relations will not be realized. That was his capacity to achieve thoroughgoing internal economic and political reforms capable of transforming the Soviet Union from a totalitarian menace into merely an occasional authoritarian nuisance. Nor is it realistic to expect an orderly devolution of Soviet power in the Baltics and the Caucasus. What has happened is no mere interruption in *perestroika* and "new thinking." It is the end. There will be no Gorbachevian market reform, and "new thinking" is looking suspiciously like old thinking in the Middle East, Europe, Afghanistan, and elsewhere. Gorbachev has failed, and no amount of temporizing in Washington can change that.

Most administration principals still believe, however, that nothing should be done to hurt Gorbachev despite the attenuation of his power. This is partly from gratitude for the past, and partly from fear of the future. Is this not the man who gave us rollback with a human face in Eastern Europe? Is this not the man who cooperated with the United States as well as anyone might have expected during the Persian Gulf crisis, despite a little mischief toward the end? Would an alternative leadership to the right—or no

leadership at all—have been better? Certainly not. Will it be as easy to complete pending arms control deals with a leadership even more in thrall to the Soviet army? No. One can understand a preference for the devil we know, at least for a while.

But portentous choices lie just ahead. A brief but very useful period of U.S.-Soviet good feeling is over. What now? One possibility for the Soviet future is a full-fledged return to Brezhnevism and Stalinism led by the army and the conservative wing of the party, and supported by reactionary law-and-order Slavophiles and anti-Semites like those of Pamyat. This would mean continued economic collapse, of course, but such a regime could persist for some time. The Soviet people have more sweat capital left inside them (even if they themselves don't believe it) that could be elicited by coercion and fear. For all the changes of the past six years, two things have remained under effective central government control: jobs and guns.



A second possibility, probably the least likely, is that the Soviet Union will in time—maybe after a failed attempt at Communist restoration—develop an attenuated authoritarian order, if not a liberal democracy, and a more-or-less free-market economy. If so, an orderly devolution of power is yet feasible, and we would see a new Slavic state in diverse if unsteady relations with former imperial subjects, an arrangement achieved generally without violence and disorder.

A third possibility, either after the other two have been tried or sooner, is civil war, social chaos, and the full economic prostration of nearly the entire Soviet Union. Civil war could well be followed by the dissolution of the empire, the eventual consolidation of a Slavic Russian core state, and the creation of a zone of instability from the Baltic Sea to the Sea of Okhotsk. The cycles of Russian history suggest that a new time of troubles is upon that unhappy land, and, while nothing is inevitable, to bet against this pattern is almost to bet that winter won't follow fall. This frightening prospect of violence and danger will likely mark the first half of the 21st century.

No American policy can hope to shape Russian history, nor can any other foreign policy. Still, we must do what we can, and many do not yet fully appreciate the scale of the challenge ahead. Given what is likely to happen, future generations will surely marvel at how much time Western diplomats spent on arms control minutiae, and how much importance they attached to one man, when the very edifice of post–World War II international politics was crashing down around them.

American policy, if it is to grasp both the scale of the problem and its relative impotence in managing it, must follow Talleyrand's understanding of diplomacy: the art of foreseeing the future and expediting it to one's own benefit. To the extent possible, American diplomacy must direct the upheavals of Russian imperial collapse away from injuring its own interests and, if necessary, toward injuring those of others. A future Russo-Chinese war, for example, is horrible to contemplate for humanity's sake, but it would not be as injurious to U.S. interests as a Russian lurch toward peninsular Europe, the Turkish straits, or the Persian Gulf. So it therefore makes sense to abjure extensive military cooperation with China, but strengthen it over the long term with Turkey, Israel, and Germany.

More than understanding what is likely to come, U.S. statecraft must have clear policy goals that serve basic American interests. One of those goals is inescapably moral: The continued Russian subjugation of other peoples is unjust and must end. Another goal is geopolitical: We must recognize that whatever government a future Russia may have, America's long-term interests require that this government draw from a smaller rather than a larger territorial and technological resource base.

A diminished Russia will still retain the largest army in Europe and with it, a capacity to wage wars of mass destruction unlike that of any other Eurasian power, but it's foolish for the United States to assist that power, in effect, by allowing greater resources to be brought to its service. Therefore, it makes both moral and practical sense for U.S. foreign policy to encourage the dismantling of the Russian Empire, preferably in the least disruptive manner possible.

U.S. power to influence these events is modest but not insignificant. Any food or technological aid should be given not to the Soviet government but to newly emerging constituent republics, and contacts with these republics must be deepened from the tardy and insubstantial effort the administration has made thus far. To the extent possible, U.S. commerce with the Soviet Union should be targeted to emerging centers of private enterprise; certainly, neither the United States nor any of its allies (notably Germany and Japan) should offer untied credits to the Soviet government. Dealing directly with central Soviet authorities inhibits the growth of market forces. On another level, we will have to counsel U.S. allies near the scene of future peril—Turkey, Japan, and even China come to mind—not to take aggressive advantage of Russian misfortunes, lest their recklessness backfire in their—and our—faces.

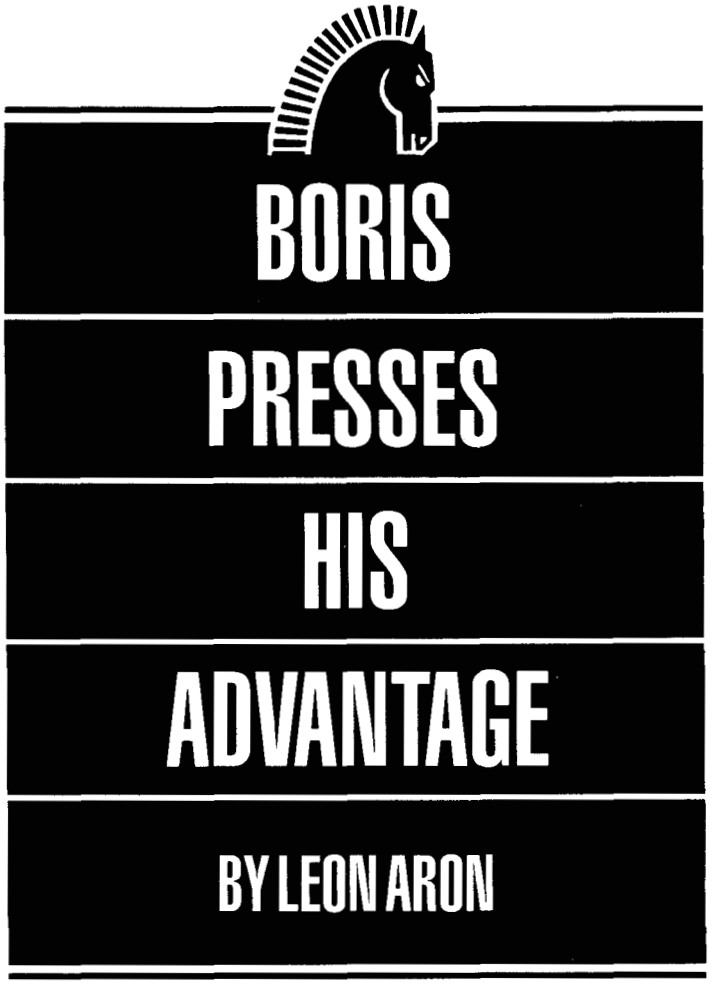
The anxieties of ideological confrontation with the Soviet Union are finished. The paroxysms of dealing with the survival of Russia and the emergence of other states from the ashes of empire lie ahead. We are about to be pulled into white water; best to secure the lashings on our raft now. ◻

Adam Garfinkle is a senior analyst at the Foreign Policy Research Institute in Philadelphia.

YELTSIN'S CHESS GAME

ROBERT KATO

LICEN
ELECTRONIC REPROD



The present chapter of Soviet politics opened on October 16, 1990, when, after a month and a half of flirting with a radical market reform plan, the 500-Day Plan, Gorbachev announced to the Supreme Soviet his own conservative and gradualist Presidential Program of economic reform. In so doing, he formally broke his August 30 agreement with Boris Yeltsin and, in effect, attempted to arrest and even reverse the course he had set in 1985.

On that day, the reformist Communist regime, Gorbachev-1 (1985-1990), ended, and the reactionary Communist regime, Gorbachev-2, began. On that day, the strands of the Soviet crisis were tightened into a Gordian knot that could no longer be undone by compromise and conciliation. It could only be cut by the victor in a fierce, perhaps violent, political struggle. On that day, the regime's radical but loyal critic, Boris Yeltsin, chairman of the Supreme Soviet of Russia, turned into a implacable opponent, seeking the regime's destruction.

Gorbachev-2 responded in kind. After several months of relentless attacks in media controlled by the Kremlin, Communist deputies in the Supreme Soviet of Russia called for an emergency session of the parent legislature, the Congress of People's Deputies, to oust Yeltsin. The opening of the Congress on March 28 set in motion a political seesaw that was remarkable even by the standards of the bustling and rough Soviet political playground. During the next eight days, Yeltsin's fortune ebbed and flowed.

Democratic Russia, a loose alliance of prodemocracy movements, called for a demonstration in support of Yeltsin. Gorbachev responded by prohibiting all demonstrations in Moscow. The Russian Congress, in the first hours of its session, voted to ignore the presidential decree. At least 100,000 people demonstrated, calling for Gorbachev's resignation. After raking Yeltsin over the coals for four days, the Communist majority of the Congress suddenly gave up the attempt to unseat him. Yet the next day Yeltsin lost the key vote on the constitutional amendment that would create an executive Russian presidency—a position that Yeltsin likely would have won in a republic-wide election. Then Yeltsin startled the Congress by requesting—and receiving—largely symbolic "emergency powers" to match those of Gorbachev.

The events of the spring confirmed Yeltsin's status as the undisputed de facto leader of the democratic opposition.

Although Yeltsin's victory was by no means unqualified, those eight days of Moscow spring produced the final confirmation of his status as the undisputed de facto leader of the democratic opposition to the increasingly reactionary, neo-Communist Gorbachev-2 regime. This position was not bestowed on Yeltsin by good fortune: It was earned by courage, skill, and determination in the prosecution of daily political warfare, the intensity of which Russia has not known since the end of the civil war in 1920. With virtually no effective power and shielded only by his popularity, Yeltsin turned his tiny political space into a beachhead from which he mounted a direct assault on the post-October 16 Gorbachev regime.

So far, Yeltsin has had two dates with Russian history. The first one was on October 21, 1987, when, at the meeting of the then all-powerful Central Committee of the Communist Party, he protested the slow speed of reform. Vilified by his colleagues, he was stripped of his party positions—but gained a giant and intense popular following. The second historic event came in the early morning of January 13, when Yeltsin was awakened by the news of the Vilnius massacre, in which 14 unarmed Lithuanians were killed as Soviet "special forces" stormed a television tower. Not wasting a minute, Yeltsin flew to Tallinn to demonstrate his solidarity with the first victims of Gorbachev-2.

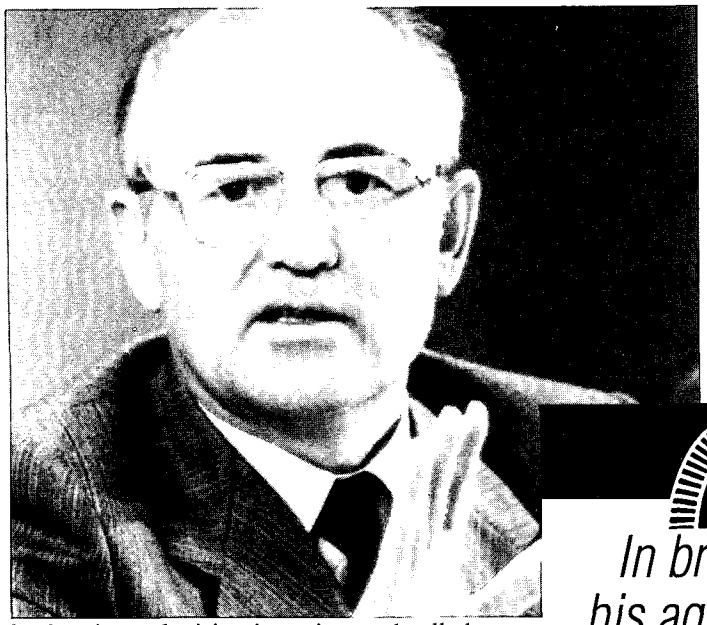
At the time, I was in Moscow as a guest of the Russian Supreme Soviet. The democrats were in total disarray. The mood of the opposition had reached an all-time low. Everything appeared to be lost. Russia's second experiment with quasi-democracy seemed to be destined to end the way the first one, in 1917, did—by the advent of a new dictatorship.

It was against this background that Yeltsin, just returned from the Baltics, held a press conference on January 14. Totally neglected by the U.S. media, the conference, I am convinced, will be looked upon by future historians as a turning point of the Second Russian Revolution. There was not a hint of defeat in Yeltsin's words or demeanor. He attacked Gorbachev on the entire front: from the betrayal of democracy in the Baltics to negating "even those modest first steps that had been made on the road to a new Union treaty."

Yeltsin appealed to the Russian soldiers in the Baltics: "Remember your own hearth, the present and the future of your own republic, your own people. Violence against the legality, against the people of the Baltics will engender new crisis in Russia itself." Finally, Yeltsin revealed that the leaders of Russia, the Ukraine, Byelorussia, and Kazakhstan—the four largest republics, accounting for 85 percent of the Soviet GNP—were preparing to sign an agreement creating, in effect, their own union, which would not be ruled from the Kremlin.

The press conference revitalized the democratic opposition. A massive and pointedly political strike of the Soviet miners, who demanded Gorbachev's resignation, arrived just in time to strengthen Yeltsin's position. The lowest point of the nascent Russian democracy appeared to have passed.

Yet, like the proverbial man on a bicycle, whose only insurance against falling is to keep pedaling, Yeltsin pressed on. First, on February 19, he "dissociated" himself from Gor-



bachev in a television interview and called upon Soviet citizens to make their choice. Only three weeks later, on March 9, addressing the Democratic Russia movement, he called for a "declaration of war" on the Kremlin.

In addition to the daily tug-of-war with the Kremlin, Yeltsin has been very profitably engaged in another, extremely delicate, not yet fully visible, but critical enterprise: managing what might be called Russia's post-colonial relations with the rest of the Soviet Union. Since his election to the chairmanship of Russia's Supreme Soviet, he has concluded a myriad of political, economic, and cultural agreements with virtually all of the union's 14 other republics.

Yeltsin's idea of a new union, built "horizontally" with complete equality for all the participants (as opposed to what Yeltsin describes as a "vertical" structure, imposed by the Kremlin), is as popular in the republics as Gorbachev's Moscow-centric design is despised. In a political masterstroke that greatly undermined the Kremlin's position, Yeltsin linked his two campaigns—against the neo-Communist Gorbachev-2 and for a loose confederation of fully independent post-Soviet republics—into a demand for the transfer of power from the Kremlin to the Council of Federation, consisting of the presidents of the 15 republics.

In addition, Yeltsin has raised the price in blood of any large-scale crackdown that Gorbachev's new partners may contemplate. Had it not been for Yeltsin, Gorbachev-2 would most likely have opted for a salami technology of repression—cutting democracy slice by slice, quietly arresting, firing, closing down newspapers, and canceling television programs. But here is Yeltsin—big, stubborn, immensely popular—undermining the regime's plans for a sub-rosa state terrorism campaign. To "pacify" the nation, the Kremlin would have to get rid of Yeltsin first—and risk bringing millions of rioters into the streets.

In breaking his agreement with Yeltsin, Gorbachev marked the end of his regime's reformist phase.

Until his election to the chairmanship of the Russian Supreme Soviet, Yeltsin's popularity (currently at 70 percent versus 14 percent for Gorbachev) was due largely, if not exclusively, to his being against something rather than for something. He got where he is by harnessing perhaps the most powerful popular emotion: hatred of *nomenklatura* privileges. Since May 1989, Yeltsin, surrounded by aides widely perceived as superior to Gorbachev's, has added more sophisticated and positive planks to his platform.

In economics, he has changed from a proponent of a "controlled market" to a radical free-marketer. As he wrote in a magazine article, "People should have the right to work freely and freely dispose of the products of their labor." Under his prodding, the Russian Supreme Soviet passed the radical 500-Day Plan last November—only to see it scrapped by the Kremlin. Yeltsin's most immediate goal is wide-scale privatization of land. He hopes to distribute land to all who want to work on it by the end of this spring.

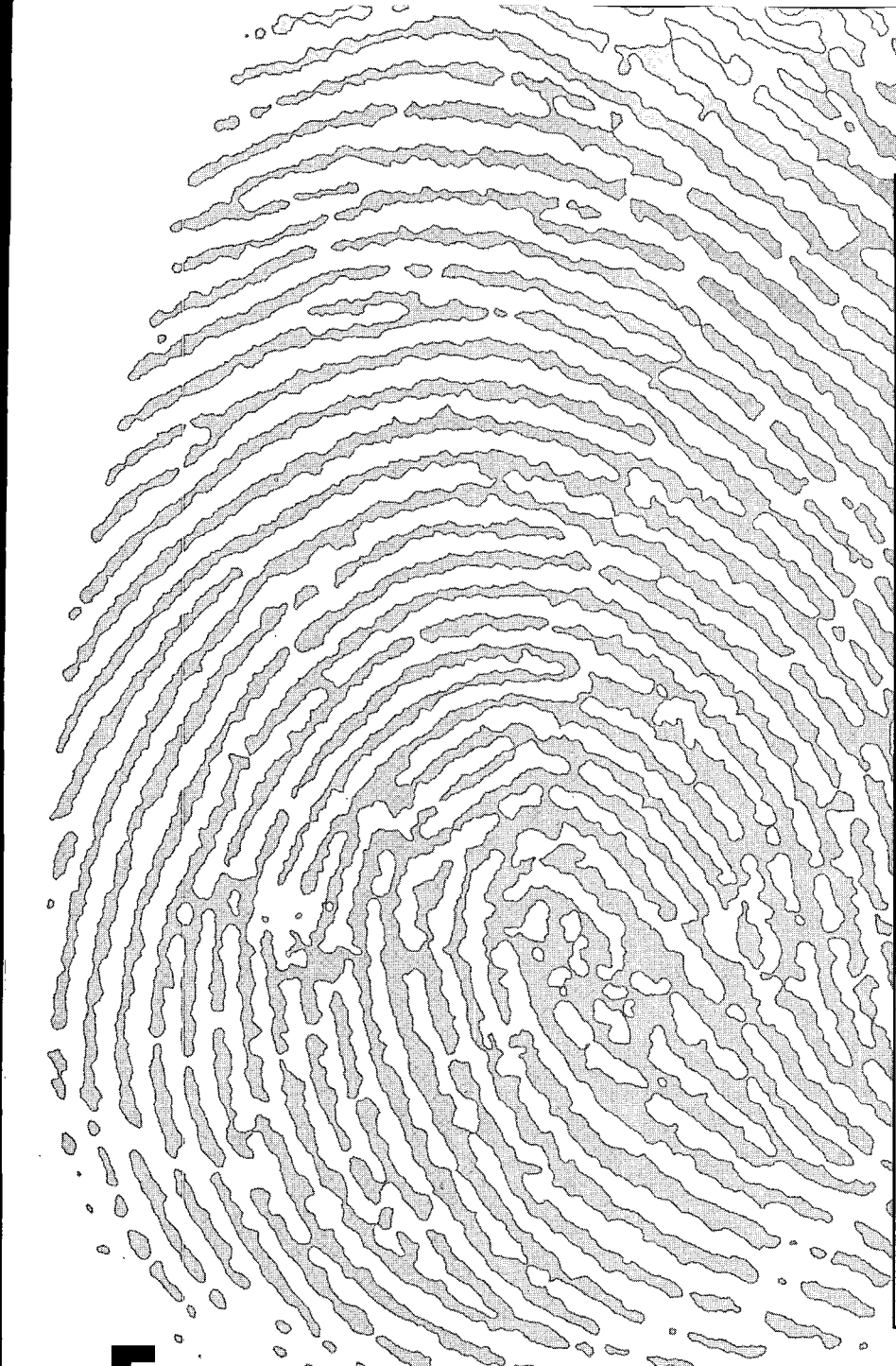
In federal relations, Yeltsin favors full and immediate independence for republics that want it and a free confederation of equal states for the rest. What he does not desire (contrary to the image created by Western media) is the presidency of the Soviet Union: To the post of captain of the *Titanic* he, quite understandably, prefers that of skipper of a smaller but sturdier ship.

Likewise, Yeltsin's "populism," much feared in the same media, seems to be less of a danger now than it was even a year ago. Of course, the real test of Yeltsin's alleged "dictatorial tendencies" will come only when he has real political power. Still, the rapid political maturation of both Yeltsin and, more important, the Russian people makes it unlikely that he will emerge as a populist dictator.

Soviet politics today hang in a precarious balance. Yet the growing radicalization and maturity of the grass-roots anti-Communist movement (as exemplified by the miners' strike) on the one hand, and the suicidal economic policy of the regime (the confiscatory monetary reform and the draconian April 2 price increases) on the other, leave the pieces on the political chessboard arranged in Yeltsin's favor.

The game has been postponed with a tactical advantage to Yeltsin. A strapping 6-footer, Yeltsin prefers volleyball and tennis to chess. Yet given the political distance he has traveled in the last six months or so, there is little reason to doubt that he will do everything he can to convert his current tactical edge into major, perhaps decisive, strategic gains.

Leon Aron, Salvatori Senior Political Analyst in Soviet Studies at the Heritage Foundation, is working on a political biography of Yeltsin.



THE NEW OPPOSITION

THE OFFICIAL, ILLUSTRATED SOVIET DEMOCRACY MOVEMENT GUIDE.

By William D. Eggers

Forces in the Soviet Union are now locked in a titanic struggle whose outcome will determine communism's fate in the Soviet Union and the future existence of the Soviet multinational state. On one side are Mikhail Gorbachev and his current allies: the military-industrial complex, the KGB, and the Communist Party, all struggling to preserve the system that ensures their continued privileged existence.

On the other side are Boris Yeltsin and the Russian democrats. Joining forces with various independence movements in the republics, such as Rukh in the Ukraine and the popular fronts in the Baltics, they oppose the totalitarian communist system and advocate a voluntary political/economic union. Despite the many shared goals of these movements, the democratic forces lack any coordination. And, except for Yeltsin, few of their leaders and rising stars are well-known in the West. Yet these individuals are likely to play a major role in determining the future of the Soviet Union. The following is a guide to some of the most interesting and prominent of them.

WHO'S WHO IN RUSSIA

Democrats head the city councils of Leningrad and Moscow, and Boris Yeltsin is president of the Russian parliament. Still, democratic forces can't consistently garner a majority in the legislature. Most votes deadlock between the democrats and the Communists.

Most of the democrats are fairly young, pro-Western, and allied with Boris Yeltsin in his struggle with Gorbachev. They advocate a complete break from communism and a rapid move to a free-market economy. Still, there are differences among the democrats in strategy, temperament, and background.

THE ESTABLISHMENT REBELS

These democrats tend to be in their 40s and 50s. Children of the Khrushchev era, they are of the same generation as Gorbachev. But unlike Gorbachev, they have become thoroughly disillusioned with communism.

Gavriil Popov, *mayor of Moscow*

Popov is the darling of Western free marketeers. Cato Institute Vice President David Boaz called one Popov speech "the most libertarian speech I have ever heard from any politician from any country, ever." The 54-year-old Popov is one of the most popular politicians in Russia.

A short, stout man of Greek ancestry, Popov is the former editor of *Voprosy Ekonomiki* ("Question of Economics"). He wants Moscow to begin privatizing housing and shops. The shops would be given to the shop workers, and the apartments given or sold for very low prices to the occupants. "Privatization of housing is a very important factor in liberating man from the bondage of state control," says Popov. Unfortunately, he lacks sufficient power and executive authority to implement his free-market reforms.

Anatoly Sobchek, *mayor of Leningrad*

The 52-year-old Leningrad State University law professor is one of Russia's most respected democrats, trailing only Yeltsin and Popov in popularity. Last summer, when there was wide speculation that Prime Minister Nikolai I. Ryzhkov would be forced to resign, the democrats pushed Sobchek for prime minister.

Like his counterpart in Moscow, Sobchek has ambitious plans for his city, including turning it into a free economic zone, converting the region's vast military complex into civilian industries, opening a stock exchange, and privatizing shops and small businesses. Unfortunately, except for the recent sale of four state stores in April, Sobchek has made little progress in realizing his goals. The problem: The Communists still maintain de facto control over all facets of the city's political machinery, and unless he can exercise legitimate authority, they can thwart his attempts at reform.

Yurii Afanasev, *people's deputy*

Afanasev is one of the democratic movement's most radical leaders. Uncompromising in his criticism of the current regime, he declares, "The USSR is not a country, nor is it a state....It is a neighborhood of states and nations that are tired of their colonial and colonizing past, that have been tortured and humiliated by Stalinist efforts at unification."

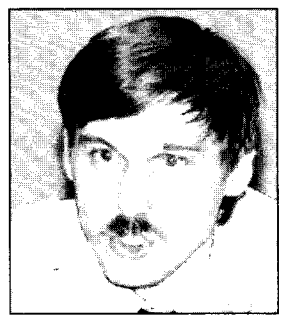
Rector of the Historical Archives Institute in Moscow, Afanasev is also a crusading critic of past Soviet leaders. "We cannot talk about bad Stalin and good Lenin," he says. "It is more productive to recognize the Leninist essence of Stalinism."

THE YOUNG TURKS

Mostly in their late 20s and early 30s, the Young Turks represent a new generation that is pro-Western, democratic, and less apprehensive about capitalism than its elders. Unlike the Establishment Rebels, the Young Turks have little previous experience in government or ties to the Communist Party. But their forceful arguments and the passion and energy they bring to the democratic movement have made them very influential figures, despite their youth.

Arkadii Murashev, *people's deputy*

Murashev was a principal organizer of the huge pro-Yeltsin, anti-Gorbachev Moscow rallies. The 31-year-old Murashev is co-chairman of Democratic Russia and secretary of the Interregional Group of Deputies.



Murashev is rigorously anti-communist, pro–free market, and pro-Western. His office—decked out with pictures and memorabilia of Ronald Reagan and Margaret Thatcher—resembles that of an American conservative. An extremely outspoken leader, Murashev called on Gorbachev to resign back in October 1990 and has said that some of the present leaders of the democratic movement, including Boris Yeltsin, will someday soon be replaced by real democrats with no previous ties to the Communist Party.

Gary Kasparov, *world chess champion*

Kasparov is an ally of Murashev and a key player in the Russian democratic movement. The 27-year-old former member of the Central Committee of the Azerbaijani Komsomol has been an unwavering critic of Gorbachev since the Soviet leader allied himself with the hard-liners.

Kasparov argues that U.S. and European support for Gorbachev impedes the drive for democracy in the Soviet Union. Dismissing the Bush administration's position that failing to support Gorbachev would mean a return to the hard line, he has written, "The real struggle is not between a brave general secretary and dangerous conservatives...but between a desiccated, though still violent, totalitarian system, and a people attempting to breathe beneath its crushing weight."

Nikolai Fedorov, *minister of justice for the Russian republic*

Like many of Boris Yeltsin's other ministers, Fedorov is very young (32), radical, and a fierce critic of the Communist Party. A former Soviet people's deputy, Fedorov was one of the first deputies to demand termination of the Communist Party's monopoly on power.

As justice minister, he has led Russia's struggle with the central government over control of the republic's natural resources. Fedorov claims that only Russia can sell its gold, natural gas, and oil.

Galina Starovoitova, *people's deputy*

Starovoitova is a member of the Interregional Group of Deputies. She gained fame championing the republics' right to self-determination.

A Russian, Starovoitova in 1989 supported Armenians in Azerbaijani-controlled Nagorna-Karabagh who sought to reunite the region with Armenia. The Armenians expressed their appreciation for Starovoitova's support by electing her to represent them in the Congress of People's Deputies.

Major Vladimir Lopatin, *people's deputy*

A forceful proponent of military reform, Lopatin leads a group of progressive young army officers in the Congress of People's Deputies. He is extremely popular among younger members of the army; five army units nominated him to represent them as a people's deputy. The 28-year-old Lopatin looks barely old enough to drink yet is a very influential figure in the military reform debate. Lopatin has emerged as a key adviser to Yeltsin.

He has been vocal in calling for cuts in military spending, and in 1989 he introduced a military reform plan that would have left the Soviet Union with a smaller, all-volunteer army. Lopatin was booted out of the Communist Party last winter.

Grigorii Yavlinsky, *director of the Center for Economic and Political Research*

A year ago, the 36-year-old Yavlinsky was an obscure economist heading the state labor committee. Today, he is one of the most influential economists in the Soviet Union.

In early 1990, Yavlinsky was appointed deputy prime minister for the Russian republic and chairman of the Russian Commission on Economic Reform. With two other young economists, Alexei Mikhailov and Mikhail Zadornov, he authored the republic's radical 400-day program for economic reform (which Stanislav Shatalin later modified into the 500-Day Plan for theSoviet Union). Yavlinsky also helped convince Gorbachev to join with Yeltsin in August to back free-market reforms. But he resigned from his post just two months later, after Gorbachev backed away from the 500-Day Plan, saying it couldn't be implemented without central coordination.

In early April 1991, Yavlinsky predicted that deepening economic collapse would force the Soviet Union to undertake radical economic reform sometime in the near future. Although without a formal government post, Yavlinsky wields power in developing economic policy for the Russian republic. For instance, he is the chief author of Russia's new draft law on privatization.

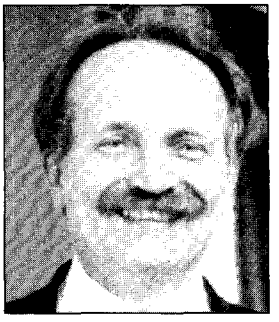
WHO'S WHO IN THE COLONIES

Independence movements exist in nearly all of the republics. Among the more influential are Sajudis (Lithuania), Rukh (Ukraine), the Round Table Bloc (Georgia), the Armenian National Movement (Armenia), and the popular fronts of Azerbaijan, Latvia, and Moldavia. Independence forces actually control the governments in Armenia, Estonia, Georgia, Latvia, Lithuania, and Moldavia.

Some of the republic leaders striving for independence are free-market democrats. Some, however, are first and foremost nationalists whose commitment to democracy and free markets is questionable.

THE REVOLUTIONARIES

Vyacheslav M. Chornovil, *people's deputy of the Ukrainian Supreme Soviet and chairman of the Lviv Oblast (regional) Council*



Chornovil, a longtime human rights activist, heads the Democratic Bloc of Ukraine's "Radical Faction," a group that urges the earliest possible independence for Ukaine. An advocate of rapid transition to a market economy, the 52-year-old Chornovil has eliminated much of the Communist Party's influence in his home region of a western Ukraine.

Chornovil is the most important political leader in western Ukraine. Absorbed into the Soviet Union in 1940, the people in western Ukraine are pro-Western and overwhelmingly pro-independence. Ninety percent of voters in Lviv voted for a free and independent Ukraine and 85 percent of western Ukrainians generally opposed Gorbachev's new union treaty in the March 17 referendum.

Imprisoned in 1967, 1972, and again in 1980 for championing Ukrainian independence and exposing illegal activities by Soviet authorities, Chornovil is the author of the *Chornovil Papers,* a book documenting Communist officials' flagrant disregard for Soviet laws.

Oles Doniy, *student*

The 21-year-old chairman of the Kiev chapter of the Ukrainian Student Association at Kiev State University gained international prominence in October 1990, when he led a hunger strike and mass protests against the Communist government of Ukraine. The protest peaked on October 17, when 100,000 students filled the streets of Kiev and forced Vitaly Masol, prime minister of Ukraine, to resign.

Unfortunately, Doniy was one of the first casualties of the shift to the hard line in the Soviet Union. He was arrested on January 8 for his role in the hunger strike. He has since been released, but the charges against him still stand. More recently, Doniy narrowly lost a run-off election for a seat in the Ukraine Supreme Soviet to Vitold Fokin, who replaced Masol as prime minister. Party officials enticed voters to choose Fokin over Doniy by giving out cheese, kielbasa, and Coca-Cola.

Levon Ter-Petrosian, *president of Armenia*

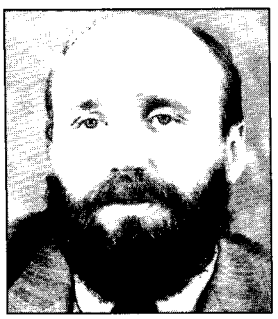
For the past three years, Ter-Petrosian, a well-known scholar of ancient Armenian history, has been extremely active in the Armenian democracy movement. Ter-Petrosian was jailed in Moscow for six months in late 1989 and early 1990 for organizing nationalist, prodemocracy demonstrations. He became president of Armenia's

legislature in August 1990 and is consistently rated Armenia's most popular political figure in independent polls.

During his brief term in office, the 45-year-old Ter-Petrosian has continued his fight for the Soviet republics' self-determination. He was the key figure in Armenia's August 1990 declaration of independence. After the crackdown in the Baltics, Ter-Petrosian led a delegation of the newly created Federation Council, which also included the president of Byelorussia, to investigate the incidents and mediate a solution to the crisis.

Ivars Godmanis, *prime minister of Latvia,* **and Dainis Ivans,** *vice president of Latvia*

Ivans could be called the "heart" and Godmanis the "mind" of the independence movement in Latvia. Both leading members of the Latvian Popular Front, they assumed their current government positions in May 1990. Ivans, a youthful 35, was president of the Latvian Popular Front from its inception in 1988 until he became Latvia's vice president in May 1990. A journalist, Ivans won widespread acclaim in Latvia for leading a successful grassroots fight against a hydroelectric dam across the Daugave River.



Ivars Godmanis

Dainis Ivans

Among Baltic leaders, Godmanis is the most radical free marketeer. He has said that the government welfare safety net should apply only to the disabled and pensioners. Like Vaclav Klaus in Czechoslovakia, the 49-year-old Godmanis faces uphill battles on most economic issues because, aside from his small group of core advisers, the Latvian government is still composed primarily of socialist government bureaucrats.

Zviad Gamsakhurdia, *president of Georgia*

Gamsakhurdia is one of the most controversial leaders in all of the republics. Supporters call him an intelligent, strong-willed, long-time opponent of the totalitarian communist system. But his enemies accuse him of being a narrow-minded nationalist or even a fascist. Either way, he remains Georgia's most popular politician.

In the November Georgia elections, Gamsakhurdia led the seven-party Round Table/Free Georgia coalition to a resounding victory over the Georgian Communist Party. Part of Gamsakhurdia's popularity derives from his status as the son of Konstantin Gamsakhurdia, one of Georgia's most famous novelists.

The 51-year-old Gamsakhurdia has been a critic of the Soviet Empire since he was a teenager. Founder of Georgia's Helsinki Union human-rights monitoring group, he was thrown in jail during the 1970s for "anti-Soviet" propaganda, serving prison terms in Tblisi, Moscow, and the Caspian Sea region.

William D. Eggers is policy analyst for East European economic affairs at the Heritage Foundation.

'EQUALITY' OVER QUALITY

BY EDMUND D. DANIELS AND MICHAEL DAVID WEISS

In January, the University of Texas School of Law in Austin filled a teaching position. The faculty hiring committee had reviewed roughly 800 applications and selected 50 to 60 for a more careful look. By the end of January, the committee had extended five offers, but two candidates were still vying for the last spot.

One candidate, Gregory Eaton Maggs, had "a résumé made in heaven," according to one faculty member. Maggs had graduated with highest honors from Harvard College and with high honors from Harvard Law School. He had clerked for Supreme Court Justice Anthony Kennedy. He had three publications in the *Harvard Law Review*, two on the subject of commercial law (an area in which U.T. desperately needed faculty with expertise). Maggs was working for Robert Bork, one of the leading legal intellectuals in the country. In addition, he spoke several languages, was a first lieutenant in the U.S. Army Reserve, and had set two records mentioned in the *Guinness Book of World Records*.

If Maggs's résumé was made in heaven, Elvia Arriola's was clearly not. Arriola graduated without distinction from Boalt Hall (the University of California at Berkeley's law school) and was working toward a Ph.D. at New York University. She had worked in New York as an assistant state attorney general. Arriola listed teaching experience as a writing instructor at Brooklyn Law School and as a kripalu yoga teacher.

On her application, Arriola said she preferred not to teach classes such as "U[niform] C[ommercial] C[ode], tax, corporat[ions], and trust and est[ates]." But she was willing to teach such classes as "politics" and "gender and legal history" (neither of which are staple courses in any law school's curriculum), as well as administrative and labor law. Arriola had published articles in the *Women's Rights Law Reporter* and the *Columbia Human Rights Law Review* on topics such as "Women in the New York City Construction Industry."

As one member of the hiring committee describes it, the decision was an easy one. He recalls a faculty member saying, while the committee deliberated, "In Arriola's favor, she does appeal to three constituent groups. She's a Hispanic, a woman, and a lesbian." Another faculty member noted, "Her scholarship isn't terrible." Given these overwhelming qualifications, the faculty did not hesitate; they chose Arriola over Maggs (who was, after all, only a white male).

The committee made the decision in the name of "equality," which, like "multiculturalism" and "sensitivity," is a very popular cliché on our nation's campuses. Under this understanding of equality, the idea of judging candidates as individuals, based on their skills and achievements, is just another in a long list of politically incorrect "isms"—in this case, "credentialism." Julius Getman, a law professor at the University of Texas, says credentialism represents "a narrow vision of excellence."

The University of Texas has broadened its vision of excellence to encompass factors that credentialism deems irrelevant. The law school not only hires faculty members with explicit reference to gender, race, and sexual preference, it chooses students using similar criteria and doles out substantial amounts of financial assistance on the basis of race. These policies are all the more outrageous in light of the Supreme Court's unequivocal mandate to the school in *Sweatt v. Painter*, a 1950 ruling that struck down the use of racial classifications in admissions.

The process that culminated in the hiring of Arriola illustrates how blatantly the University of Texas is violating that mandate. Professor Sanford Levinson, chairman of the faculty hiring committee at the law school, explains that the initial winnowing-out process relies on the traditional criteria: law school, law review membership, clerkships. Of the 800 applicants, about 760 candidates—those who did not identify themselves as members of minority groups—were

UNIV. OF TEXAS LAW SCHOOL ADMISSION DECISIONS

Academic Index (max. pts. = 88)	White applicants # admitted	White applicants # denied	Black applicants # admitted	Black applicants # denied	Mexican-American applicants # admitted	Mexican-American applicants # denied
85-88	13	—	—	—	2	—
80-84	108	—	1	—	3	—
75-89	245	40	—	—	12	—
70-74	73	302	4	—	12	—
65-69	4	323	11	—	36	1
60-64	—	168	12	4	9	13
Total:	**443**	**833**	**28**	**4**	**74**	**14**

Total admitted **545**
Total denied **851**

evaluated this way. Levinson says the 760 nonminority candidates were pared down to 35 or 40 (the top 5 percent).

But race is a factor even at this early stage. Of the 800 applications, only 40 were from minorities. Levinson explains: "We take a closer look at those who 'check off,' especially on race or ethnicity. Gender is different. Of the 40 minorities, we discarded at least 20 to 25...because the minimum qualification thresholds weren't there." So roughly 40 percent of the minorities advanced to the next stage.

"I endorse threshold criteria," Levinson says. "Out of the initial 800, most of the faculty can agree on the top 50 candidates. For example, Greg Maggs is someone everyone on the faculty agreed we should look more carefully at. The question becomes, How much weight are we going to give to achievements?

"It is not the case, as is sometimes alleged, that all you have to do to get an interview is show up with the right color skin. There are people who think we're much too ruthless with [minorities]. The fact is that a minority who graduates from a first-rate law school, even if their numbers are not so high, will get an interview. That's where the preference comes in."

Levinson contends that the minority candidates who got "a closer look" would have been in the top half of the applicants if the process had been colorblind. After all, they were all from top law schools. Asked whether a minority candidate had to have graduated with honors to merit closer examination, Levinson answers, "No, it's not dispositive....Some did, some didn't."

What about a white male candidate with the same credentials as Arriola—no graduation honors, no law review membership or clerking, but some moot court experience and involvement in public-interest law? "We wouldn't give him a second look," Levinson says matter-of-factly. "We've got better. There is nothing compelling us to take a look at this white guy that we're talking about. He's not going to get a look from any of the top 10 law schools."

Faculty hiring is not the only area in which the University of Texas uses racial criteria. Recently released statistical evaluations of the classes admitted in 1989 and 1990 show that the law school also selects students on the basis of race. The admissions process begins innocently enough. An applicant's GPA is multiplied by 10, and that number is added to his or her LSAT score, which ranges from 10 to 48. This number is the applicant's "Texas index"—basically, his or her key to getting in.

The admissions committee then divides the applicants into racial pools and sets automatic admissions cutoffs for the various groups. In 1989 and 1990, the median index for blacks was 64, with no candidate above 64 denied admission. Hispanics had a median index of 66, with no candidate above 67 denied admission. For "Anglos" (non-Hispanic whites), the median index was 76, and the admission threshold was 78—14 points above that for blacks. "Other minorities" (presumably including Asians) had a median of 77, with no readily discernible automatic admission threshold.

This admissions system pits racial and ethnic groups against each other in competition for seats in the law school. Indeed, in recent years the admissions committee has relied on strict racial quotas, enforced by separate entrance requirements and separate waiting lists. This directly violates the Supreme Court's 1978 decision in *Bakke v. University of California Regents*, which held such practices by a state medical school unconstitutional.

The systematic discrimination against nonminority students extends to financial assistance as well. Several years ago, the law school doubled tuition for all students. Half of the additional revenue was to be dedicated to a scholarship fund that would be redistributed to students through the Office of Financial Aid. The office sets aside roughly half of the scholarship fund for minority students. This practice automatically excludes 80 percent of the admitted students from consideration. U.T. awards these "minority recruitment scholarships" largely without regard to financial need.

By contrast, nonminority students with significant financial need are often denied grants. They are forced instead to borrow heavily. To add insult to injury, needy students must pay artificially inflated tuition rates to provide funds that can then be turned over to affluent recipients of minority scholarships.

The use of racial classifications to exclude needy students from scholarship funds directly violates Title VI of the Civil Rights Act of 1964, which prohibits racial discrimination by any program or activity receiving federal financial assistance (a category that includes the University of Texas). On March 22, the Washington Legal Foundation, representing seven students, filed a suit in the U.S. District Court for the District of Columbia to require the Department of Education to enforce this prohibition.

The law school's racial discrimination has aroused concern in other quarters as well. *The Daily Texan*, U.T.'s student newspaper, recently ran an editorial that cited admissions statistics and questioned the constitutionality of the selection system. Furthermore, not all faculty members support the law school's preferential hiring policies. When the decision to hire Arriola was put to the faculty for a vote, she won by only 23 to 21.

Says law professor Lino Graglia: "The professors who participated in the hiring decision are, no doubt, good and compassionate people with the interest of the institution, the state, and the nation deeply at heart. Their chosen path, however, is toward the destruction of all three." Other faculty members and students also expressed outrage at the hiring committee's choice.

In early March, when another position opened up, the faculty offered it to Gregory Maggs, despite his obvious handicaps. He will be teaching bankruptcy this fall, when Elvia Arriola will begin teaching a course on employment discrimination.

Edmund D. Daniels and Michael David Weiss are law students at the University of Texas at Austin. Daniels is a plaintiff in the suit filed by the Washington Legal Foundation.

MUDDY WATERS

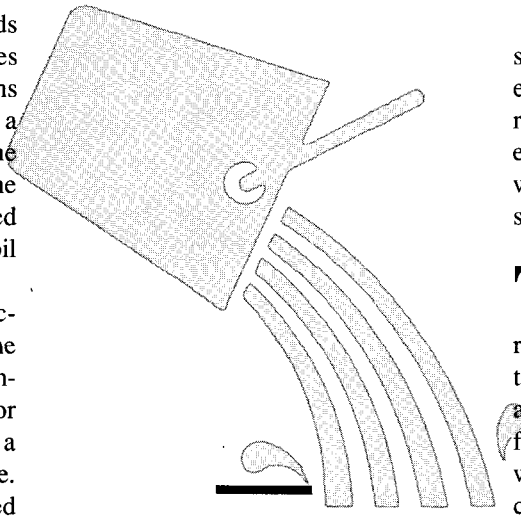
BY STEVEN HAYWARD

California's severe drought reminds some observers of the oil shortages of the 1970s. Government regulations combine with natural forces to create a shortage of a valuable resource. But the market for water in California in the 1990s is probably even more distorted and irrational than was the market for oil in the 1970s.

If a drought of this severity had occurred during the Jerry Brown years (the drought of 1977 was mild by comparison), there would have been calls for a "new water policy," complete with a "water czar" to regulate the whole scene. Instead, policy makers in 1991, prodded by a surprising coalition of environmentalists and free-market economists, are groping for market-based policies to deal with the crisis. Thus the drought provides a good test of how much the public and politicians truly believe in the market. In California, the picture is muddy.

State law actually enables Gov. Pete Wilson to become a "water czar." By declaring an official "drought emergency," Wilson could allocate water without regard to contracts, water permits, or water rights. Instead, Wilson has given a nod toward market incentives by creating the California Drought Emergency Water Bank, which is buying water—albeit at a fixed price—from farmers who agree to let some or all of their land lie idle. "The year 1991 may be a turning point in California's transition to water trading," says economist Rod Smith, publisher of the quarterly *Water Strategist*.

The drought in California has lasted five years. In January, after it became clear that rainfall would again be well short of normal, state water officials announced drastic cutbacks for agricultural users—who consume 85 percent of the state's water—and for municipal users. The State Water Project suspended all deliveries for agricultural use and cut municipal deliveries by 90 percent. The federal Central Valley Project cut water to agricultural customers by 75 percent and to municipal users by 50 percent. Together these two projects deliver nearly 30 percent of California's water.



Several cities have uniformed "drought police" who try to catch people watering lawns or washing their cars in the middle of the night.

Meanwhile, state and local governments have subjected consumers to the "moral equivalent of war" bunkum that characterized the energy crisis. A wide-scale conservation blitz is on throughout the state, and areas with skimpy water supplies, such as Marin County (where no-growthers have for years blocked the construction of new water storage facilities), limit users to 50 gallons per person per day. That's about enough for one five-minute shower, one toilet flush, and brushing your teeth with the tap running. Several municipalities have uniformed "drought police" who try to catch people watering lawns or washing their cars in the middle of the night. It isn't unusual to see people spray-painting their dead lawns green.

To their credit, some hard-hit areas, such as Santa Barbara County, are using an escalating price scale, rather than outright rationing, to encourage conservation. But even if every household in the state cut water use by 25 percent, overall consumption would drop by only 2 percent.

The intense focus on household conservation is straining at a gnat. The real problem is inefficient and extravagant use of water by California agriculture. Agricultural water users pay far below the true cost for most of their water. For example, a 1989 General Accounting Office study showed that farmers get water from the Westlands Water District near Fresno—one of the largest federal water contractors—for $17 an acre-foot (about 326,000 gallons), while the full cost of the water is about $42 an acre-foot. Farmers commonly get water for as little as $5.00 an acre-foot, while the Metropolitan Water District, which serves Los Angeles and much of Southern California, pays as much as $500 an acre-foot wholesale.

"As long as farmers are buying subsidized water that's almost free," says Marc Reisner, author of *Cadillac Desert: The American West and Its Disappearing Water*, "they'll go on doing what they've always done: waste it." Rice farmers, among the leading water consumers in the state, have come in for special criticism. It can take as much as 7.5 acre-feet of water for each acre of rice—enough to supply about 50 people for a year.

Says Reisner: "It's crazy to grow a crop that needs 80 inches of water in a semi-desert with subsidized water, glut the market, and then give the farmers price subsidies as well as water subsidies. But that's what we do." One rice grower told a television interviewer that it costs him 10 cents a pound to produce rice. The world market price is about 3 cents a pound. Despite the subsidies, the total cash value of the California rice crop was

only $244 million in 1989.

Rice farming is far from an isolated example of egregious water consumption. The Central Valley beef industry, which relies on water-intense alfalfa and grass, requires about 5,000 gallons of water to produce one pound of meat. The value of agricultural production in California last year was $17.8 billion, or less than 3 percent of California's $730-billion economy.

Still, farmers have reacted defensively to talk of water pricing. The California Farm Bureau Federation says the case for farm-water profligacy is exaggerated and the extent of subsidy overstated. (The Farm Bureau appears well qualified to spot exaggeration: It also claims that agriculture accounts for one in three jobs in California.) Farmers, with a few exceptions, haven't embraced a true market for water, even though a variety of water-efficiency technologies, such as drip irrigation and lined irrigation canals, would allow most farmers to grow the same crops with far less water.

The Central Valley beef industry requires about 5,000 gallons of water to produce one pound of beef.

Although some state politicians have said that "we might need to look at" regulating the kinds of crops farmers grow, market-based solutions have led the efforts to deal with the crisis. Wilson's Water Bank is the first market-oriented effort to be put in place. The Department of Water Resources pays about $125 an acre-foot and guarantees sellers that the transactions won't be regarded, now or in the future, as evidence of available surplus water or of wasteful or inefficient use on the part of the seller. The DWR has already exceeded its target of 500,000 acre-feet for the Water Bank. Water in the bank, however, will be allocated according to "extreme critical needs" determined by the bank itself.

Because the Water Bank is the only authorized buyer in the state, as well as the arbiter of who gets to buy its water, it has been criticized for not facilitating a true market that would allow farmers and water districts to trade among themselves at freely negotiated prices. Tom Graff of the Environmental Defense Fund has expressed concern about whether state policy will help develop a "true marketplace." The EDF also found troubling the announcement that the DWR will "monitor prices and report any signs of price-gouging." "Sounds just like Gorbachev," says Graff.

Other market-oriented proposals are similarly encumbered by government regulation. Water from the federal Central Valley Project by law can't be sold outside of the Central Valley. Neither Los Angeles nor San Francisco can tap into this supply, which could meet the needs of 70 million people in a year of normal rainfall.

A bill sponsored by Sen. Bill Bradley (D-N.J.) would change this, but the bill, S. 489, would also require either that 25 percent of the proceeds from any sale be diverted to a "Central Valley Project Restoration Fund" to benefit fish and wildlife or, alternatively, that 25 percent of the purchased water be dedicated directly to fish and wildlife purposes. Rod Smith comments, "Central Valley Project water users may find the environmental package too dear of a price to pay for the opportunity to trade water."

Just as California was about to hit the panic button, heavy March rains arrived. The "March Miracle," as the rainfall was quickly dubbed, filled most state reservoirs only to about 75 percent of capacity. Still, it eased the crisis enough to lessen pressure for more water reform, showing that the survival of even the reforms that have been enacted is tenuous. Says Smith: "Proponents of water trading should delay declarations about a new era in California water policy."

Contributing Editor Steven Hayward is director of the Claremont Institute's Golden State Project.

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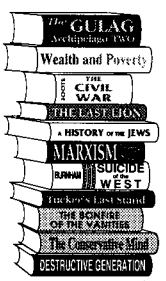

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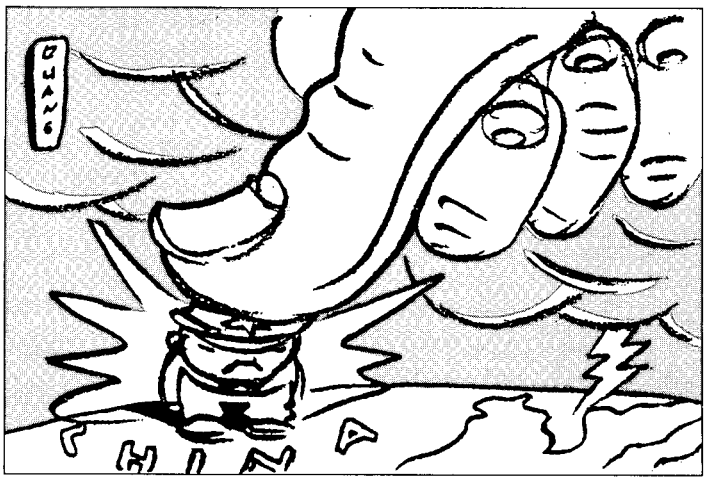
THE CALM AFTER THE STORM

BY GEORGE TSEO



"I think the government was...a bit harsh," said Jin, a plump computer consultant with a wispy mustache. The window of our "hard-sleep" train compartment was raised. I pursed my lips in tacit response to Jin's remark and looked past him and the fluttering white lace curtain. Outside, verdant summits towered above a flat, watery expanse of rice paddies. "Moreover," continued Jin, pausing to take a slow drag on his cigarette, "the students were reasonable in their demands."

"The students were arrogant," interjected Professor Hu, a lanky, bird-like man. "The regime showed restraint, and in return, the students gloated over a 'victory'! The government had to resort to force. How else could they reestablish credibility?"

Jin lifted his brows as though to say "perhaps," then blew smoke out of his mouth.

During my two-and-a-half-month visit last summer, I discussed Tiananmen only when others raised the subject, which happened perhaps two dozen times. A few testimonials were delivered with bravado. Most were conveyed in normal but perhaps slightly self-conscious tones, and only one was whispered. About half of the people I spoke with still believed in their government; the rest were disillusioned. A few seemed strangely detached, even indifferent; a few were clearly impassioned.

By contrast, during my visit in 1988 *everybody* seemed impassioned. What had happened in the interim to bring about this complacency? How had Tiananmen receded so quickly into the past?

When Jin lost interest in the debate and Professor Hu regained his equanimity, we cut open a watermelon. Its crisp, juicy slices quenched our thirst, and the conversation turned to a new topic, American cigarettes.

"Life has become untenable, unbearable!" insisted a middle-aged engineer shortly before the new year that would usher in Tiananmen Spring.

"It might have been better had the Japanese won the war," conjectured a People's Liberation Army veteran and long-standing Party member. "We Chinese are finished as a race, and the government's incompetence will ruin us."

A few years ago, one almost couldn't engage in a conversation without triggering a tirade. During my eight-month stay, I heard scores, if not hundreds, of angry declarations. The state was to blame, but the crime wasn't tyranny. It was economic mismanagement. Nobody urged "democracy," and only students responded favorably when I mentioned it. The word on everyone's lips was *inflation*. Prices were rising at about 35 percent a year and at more than 100 percent for some commodities.

Workers relied on work-unit subsidies for meat, fish, fruit, cooking oil, and other modest luxuries. Cagey bureaucrats and state managers offered rare goods and services to those in their favor for a price. Desperate people crawled through the "back door" for such things as television sets, university placement, and surgery. Some young parents nurtured manipulative traits in their children so that they would one day be able to work the system.

I found anger and greed everywhere. Unemployed young men with time on their hands tried to dress like the toughs they saw in Western movies and picked fights with strangers at the slightest provocation. Shopping was a risky business, as a random bump in a crowded market could lead to blows. On trains and long-distance buses, merchant bands battled each other for possession of the goods they transported, and innocent passengers sometimes fell victim to bottles and knives.

For university students, graduation meant state-assigned jobs at near-subsistence wages. Entry-level positions more often than not provided trivial duties and idleness rather than challenge. There was no shortage of senior cadres prone to jealousy, and young mavericks were humbled through such devices as assignment to decrepit work-unit apartments, poor school placement for their children, and blocked opportunities for personal promotion, further education, and travel.

State employment amounted to a type of indentured servitude that could never be revoked and only rarely shifted. One could apply to management for transfer, but for a realistic chance of success you would probably need good connections or well-placed cash bribes and "gifts." Alternatively, a rival work unit could bid for you by offering to pay a price for possession of your passport and work certificate, without which you would have no rights to either urban residence or state employment. In April 1989, the students demonstrated in the name of "democracy," but they actually rallied for the sake of professional emancipation. The

ILLUSTRATION BY DAVE BHANG

workers gathered beneath the students' banners for the sake of their livelihoods.

"On the morning after the massacre," confided a friend, "I saw a column of 40 tanks stalled on the highway. They were all burning. Someone told me that the soldiers had set fire to their own tanks."

The regime had tolerated the occupation of Tiananmen Square for weeks, partly because it wasn't certain that the army could be trusted. After all, inflation had trivialized the meager army pay, and it was only natural to expect soldiers from urban backgrounds to sympathize with the workers. They would join these ranks upon the end of enlistment. Beyond purely military concerns, widespread urban protest had exacerbated a division in the top government leadership. The struggle for predominance must have had a paralyzing effect. Be that as it may, when the humiliation became more than China's paramount leader, Deng Xiaoping, could bear, the troops were sent in.

Force was postponed until a lull in the demonstrations, probably in an attempt to avoid both bloodshed and a test of army loyalty. But the soldiers had no training in riot control; they had no shields, dummy bullets, or tear gas. They had only live bullets and bayonets. When protesters surged back into the streets, pushing and shoving led inevitably to bloody violence.

To truly understand Tiananmen is to understand the mundane factors that produced it. To understand why urban Chinese society has become dormant since the tragedy is again to grasp these everyday realities. Easy credit, which had been flooding the economy, has been stanched. Similarly, fresh currency, which had been printed so liberally that the amount in circulation increased by roughly 30 percent a year, has almost certainly been curtailed. As a result, general inflation has been bridled at about 6 percent, and the primary threat to urban livelihoods has been defused.

The domestic production of large luxury commodities such as televisions and washing machines has been boosted. Their quality has so vastly improved that the Chinese are now able to obtain near Japanese-quality performance at substantially lower cost. Although Chinese families must still spend large portions of their incomes in order to buy luxuries, these items are within reach. The availability of such goods, coupled with recent government crackdowns on bureaucratic misconduct, has discouraged corruption to some extent.

With improved conditions, public tension has relaxed and public violence has waned. The police appear to be more vigilant. For the first time, armed officers patrol trains, and little freight now travels in passenger carriages. Open-air pool halls, which are often associated with hooliganism, have been banned from the public areas in front of movie theaters, although inside the theaters, Western and Western-style action films filled with violence continue to mesmerize prospectless adolescent audiences.

China's unyielding leadership refuses to acknowledge error, let alone guilt.

In the short period of 18 months, the "world-champion spitters" of China's cities relinquished that distinction with the help of moderate fines and persistent propaganda. The rivers of bicycles in city streets now actually stop at newly installed traffic lights, sometimes even without a Moses wearing a diamond-shaped badge to raise his arms and perform the miraculous.

In the past, mass transit was not merely crowded, it was jam-packed. It was not uncommon to see a handbag or limb sticking out of the shut doors of a passing bus or trolley. Such sights are becoming rare. During non-peak hours, buses are not necessarily even crammed. This is due in part to the expulsion of peasant vagrants and peddlers from the cities. While these measures were implemented mainly to promote the country's image during the Asia Games and the justness of some of them is debatable, they have improved the quality of urban life.

Comfort, however, may not be enough. The ghosts of Beijing's great central square still haunt the capital. The millennia-old mandate for leadership in China has been to preserve order, to stave off anarchy and chaos. But in fulfilling this mission, the current leadership has adopted intimidation as its strategy. It is an unyielding leadership that refuses to acknowledge error, let alone guilt. The state's attempt to bury Tiananmen with lies and purges is a constant reminder of the regime's petty arrogance.

Young professionals remain indentured within unreformed work-unit hierarchies. Those with possibly the most to offer the country remain among the most frustrated, their talents and energies untapped. Someday student outbursts could conceivably inspire mass urban demonstrations once again—cause for gratitude that China now has fully equipped riot-control troops. Yet whatever may happen in the cities—however massive an insurrection, however great the fury or deep the blood—it may ultimately prove insignificant.

"On that spring afternoon," intoned an American professor before a small academic audience, "a great serpent of demonstrators—workers and students together—marched through the suburbs of Guangzhou city and out into the countryside. They beat their brass gongs and chanted their slogans, creating a spectacular uproar....The parade passed some peasants in the fields, who were guiding their plows harnessed behind water buffalo. The peasants looked up to see what was happening, as did a few of the water buffalo as well. Then men and beasts returned their attention to the task at hand....At that moment, it occurred to me that from a distance, perhaps from an airplane, this 'serpent'...this animated thread must appear very small indeed against the vast quilt of the fields and paddies."

Eighty percent of the Chinese live in the countryside, and perhaps seven-eighths of these are peasants, whose con-

ditions are quite different from those of city people. They do not depend on work-unit assignments and subsidies because they build their own houses and grow their own food. They hold long-term leases for the land they farm, and they may market for personal profit the crops they harvest, the goods they produce, and the services they provide. Nonetheless, the unrest of 1989 was confined to the cities, not because the countryside was free of problems, but because the problems had not yet reached critical proportions.

Since the collapse of the commune system in the early 1980s, certain dangerous trends have developed in the countryside. The demise of the collectives has eliminated organized labor sharing during busy periods of the year and thereby increased the need for family labor. Without collective pension plans, children become guarantors for retirement. Not surprisingly, restrictions on family size are commonly violated throughout rural China.

Already, possibly only one-third of adult peasants are fully employed year-round, and the average peasant land allotment is about two-thirds of a hectare. By Western standards, the typical Chinese landholder is more a gardener than a farmer. When the next generation grows to maturity, minimal household tracts will be subdivided further. A significant proportion of the peasants already displaced from the land now work in city factories, but without rights for permanent urban residence. They live apart from their families in cramped dormitories, sending their earnings home and contemplating futures without prospect.

Should the students finally succeed in their bid for professional freedom, which means the right to go wherever they choose in search of opportunity, the government might be compelled to grant similar rights to the peasants. China's cities could swell with shantytowns like those in South America, Africa, and India. On the other hand, if the government continued to confine the peasants to the countryside, their secondary status would be underscored by the university graduates' privilege. China's largely peasant army, whose sympathies naturally lie in the countryside, might come to resent the leadership.

China is not a domino that can be tipped by Poland, East Germany, or even the Soviet Union. It is a country whose isolation and sheer mass impart to it an overwhelming inertia and momentum. The people of its cities cannot by themselves succeed in revolution. Only the army, the peasants, or the leadership itself can instigate sweeping change.

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Up from Libertarianism
by D. G. Lesvic

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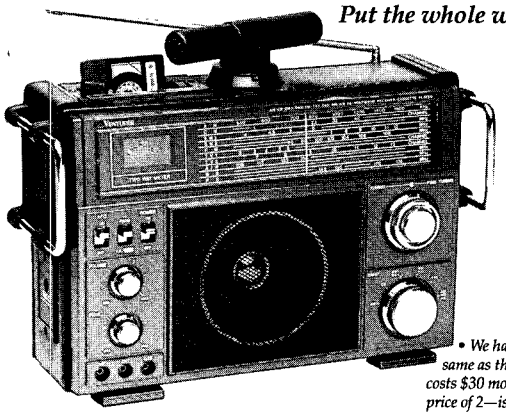

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HINCKLEY AND SON

BY THOMAS SZASZ

Ten years ago, in a well-planned and brilliantly executed attempt to murder Ronald Reagan, John Hinckley, Jr., shot the president, inflicted permanent brain damage on Press Secretary James Brady, injured two of the agents guarding the presidential entourage—and committed existential suicide. The anniversary of Hinckley's crimes was marked by agitation for the so-called Brady Bill, which would establish a national seven-day waiting period for the purchase of handguns. The fate of Hinckley himself was virtually ignored. Yet although Hinckley is as good as dead, his case demonstrates that psychiatry remains our society's most fearsome and most despicable instrument of punishment.

Ostensibly, Hinckley is the beneficiary of the best judicial and medical systems in the world. But let's not forget that Hinckley wanted to plead guilty to his crimes, was forced to plead insanity, and was "acquitted" against his will. Hence, because of the diabolical fictions of law and psychiatry, Hinckley is as innocent of shooting President Reagan as the readers of this column; his deed was not a crime but a symptom of illness; and he is not incarcerated in a prison but is treated in a hospital.

As the symptoms of pneumonia are cough and fever, so the symptoms of Hinckley's schizophrenia were buying a gun, loading it, locating President Reagan, taking good aim, and firing. Since Hinckley is sick, he is in a hospital. The fact that he cannot leave his doctors, just as Saddam Hussein's "guests" in Iraq could not leave their host, casts not the slightest doubt in the minds of many Americans on the validity of the psychiatric fiction that Hinckley is a "patient." Housed in the nation's premier madhouse, Hinckley must be receiving the best treatment for schizophrenia that American psychiatry has to offer. However, his disease must be difficult to treat, as he shows no sign of improvement. Maybe Clozapine will cure him, though I doubt it. I think it is more likely that he will be discharged via the morgue.

Lest my argument be misunderstood as a defense of Hinckley, let me say that I consider him to be guilty of one of the gravest crimes in law, the attempted assassination of a head of state. He should have been tried, convicted, sentenced to death, and executed—or, perhaps, allowed to kill himself, which is what he wanted and had attempted but was prevented from doing. Perish the thought. After all, every educated person knows that Hinckley's desire to kill himself—expiating his guilt and ending a life wrecked beyond any hope of repair—was also a symptom of his schizophrenia. Indeed, thanks to the efforts of John Hinckley, Sr., and the National Alliance for the Mentally Ill (actually, the National Alliance for the Parents of the Mentally Ill), most Americans now also know that schizophrenia is a brain disease—indeed, "one of the most treatable" diseases. What is the treatment? Psychiatry's magic bullets: the so-called neuroleptic drugs.

Under the law, Hinckley is as innocent of shooting President Reagan as you are.

The elder Hinckley's participation in his son's life, especially since the tragic events of March 1981, have raised psychiatric charlatanry to unprecedented heights of journalistic, judicial, and medical legitimacy. It was Hinckley *père* who, when his son experienced difficulties making the hazardous journey from adolescence to adulthood, chose to interpret the problem as a symptom of mental illness, dispatched him to see a shrink, and thus pinned the ineradicable stigma of mental illness to his tail. This critical, initial psychiatric stigmatization had predictable consequences: The youngster's progress toward achieving the powers and privileges of adulthood was further obstructed. But not to worry. The cure was right at hand. It consisted of Valium dispensed by Hinckley *père*'s psychiatrist to Hinckley *fils*.

After submitting to what everyone believed was the best medical treatment for his "illness," John Hinckley, Jr., proceeded to flunk life more dramatically than ever. But, smart kid that he was, he soon saw the handwriting on the wall and apparently decided to stop the charade: He decided (as I see it) to avenge himself against his father by bringing shame on his head and, at the same time, to end his own parasitic and pathetic existence. Everything worked as planned, except for one thing. The hail of bullets from the guns of Secret Service agents, in which he expected to die, did not materialize.

So Hinckley did the next best thing: After being taken into custody, he tried to kill himself. When that effort was thwarted, he wanted to be tried and to plead guilty to the crimes with which he had been charged. Hinckley, Sr., and his lawyers (who are always identified as his son's lawyers) foiled that effort, too.

I shed no tears for John W. Hinckley, Jr. But, to borrow from Thomas Jefferson, I do tremble for my country when I think that God is honest and will therefore not look kindly on a nation that classifies its lawbreakers as sick, its most fearsome prisons as hospitals, its psychiatric jailers as doctors, and some of its most toxic chemicals, forced by the "doctors" on their prisoners, as treatments for nonexistent diseases.

Contributing Editor Thomas Szasz is professor of psychiatry emeritus at the SUNY Health Science Center in Syracuse.

Everlasting King

BY CLINT BOLICK

A Testament of Hope: The Essential Writings and Speeches of Martin Luther King, Jr. Edited by James M. Washington, San Francisco: Harper, 702 pages, $16.95 paper

King traced the goals of the civil rights movement to the American Revolution.

When I started studying the history of the American civil rights movement during the early '80s, I was struck by the paucity of serious books about the movement's preeminent figure, Martin Luther King, Jr. Only a few years later, the void is filled near to overflowing, not only with treatments chronicling King and his times, but also with books probing his psyche and personal life and seeking to stamp his imprimatur on ideologies ranging the political spectrum. Through these writings, we can encounter King the larger-than-life hero, King the womanizer and plagiarist, and King with virtually every other gloss imaginable.

But not until now could we discover King and his philosophy in unvarnished form. James M. Washington's *A Testament of Hope* brings the man alive through an extensive collection of speeches, sermons, interviews, and books, spanning King's public life from his emergence as a national figure in 1956 until his death at age 39, only 12 years later. With only light contextual annotations preceding each entry, Washington allows King's writings to speak for themselves.

Reading this work as a whole, one can readily understand how King shook his nation to its foundations, succeeding, where so many before and after failed, in fostering systemic societal change and in forcing America finally to make good on its promise of equality under the law for all. His passion, his eloquence, his clarity of mission, and the power of his vision resound from his words.

Yet it's also understandable that King is represented in so many different ways by those who have studied him. King did not embrace a specific ideology but assembled his philosophy from sources as divergent as Gandhi and Jefferson. The resulting synthesis happened, for a while at least, to resonate with the demands of the times. But because of its disparate strands, King's philosophy is susceptible to a broad range of characterizations, almost all of them oversimplified.

Moreover, King's rhetoric changed over time. He labored strenuously throughout his dozen years on the national scene to maintain philosophical consistency and integrity. But he shifted gradually away from his early emphasis on individualism and equal rights toward a more class-based, outcomes-oriented focus.

Though King's writings are not chronologically organized, this metamorphosis is apparent throughout the book. King's early writings, from 1956 until about 1963 (when he delivered his famous "I Have a Dream" address from the steps of the Lincoln Memorial), rest heavily upon classical-liberal ideals. Starting around 1963 and increasingly thereafter, King turned toward a more radical political agenda, reflecting what he described as a movement that had "elevated jobs and other economic issues to the summit, where earlier it had placed discrimination and suffrage."

The earlier phase of King's activities corresponded with his greatest achievements, most notably the development of a broad-based civil rights movement and enactment of the Civil Rights Act of 1964 and the Voting Rights Act of 1965. During this period, King's writings sounded a number of themes that were crucial to his success. He drew upon these themes repeatedly, regardless of his audience. The first and perhaps most important located the goals of the modern civil rights movement in the American Revolution.

As King proclaimed in 1963: "In a sense we've come to our nation's capital to cash a check. When the architects of our republic wrote the magnificent words of the Constitution and the Declaration of Independence, they were signing a promissory note to which every American was to fall heir. This note was the promise that all men, yes, black men as well as white men, would be guaranteed the inalienable rights of life, liberty, and the pursuit of happiness." For King, the movement was the "resumption of th[e] noble journey" started in 1776. "The Negro students, their parents, and their allies," he declared, "are acting today in that imperishable tradition."

King relentlessly invoked the natural-law principles embodied in the nation's constitutional doctrine. Justifying his willingness to break laws, King embraced Aquinas's distinction between just laws and unjust laws: "A just law is a man-made code that squares with the moral law or the law of God. An unjust law is a code that is out of harmony with the moral law."

What distinguishes "our form of government from all of the totalitarian regimes that emerge in history," declared King, is the principle that "each individual has certain basic rights that are neither conferred by nor derived from the state." But from the beginning, King observed, "America has been something of a schizophrenic personality, tragically divided against herself. On the one hand we have proudly professed the principles of democracy, and on the other hand we have sadly practiced the very antithesis of those principles."

King forced America to confront its shameful abdication of these basic ideals. "We feel that we are the conscience of America—we are its troubled soul—we will continue to insist that right be done because both God's will and the heritage of our nation speak through our echoing demands," he proclaimed. "Our goal is freedom. I believe we will win it because the goal of the nation is freedom."

In this early period, King emphasized the movement's long-held goal of equality under law. He distinguished in this regard between "enforceable demands" (such as desegregation) and "unenforceable demands" (such as integration). "A vigorous enforcement of civil rights laws will bring an end to segregated public facilities which are barriers to a truly desegregated society," King observed, "but it cannot bring an end to fears, prejudice, pride, and irrationality, which are the barriers to a truly integrated society."

King was confident that once barriers to opportunity were eliminated, blacks would prosper. "With the growth of industry the folkways of white supremacy will gradually pass away," he predicted. Such growth would "increase the purchasing power of the Negro," which in turn "will result in improved medical care, greater educational opportunities, and more adequate housing. Each of these developments will result in a further weakening of segregation."

But for King, "Probably the most powerful force that is breaking down the barriers of segregation is the new determination of the Negro himself." Already, he declared, there had occurred a "revolutionary change in the Negro's evaluation of himself and of his destiny and by his determination to struggle for justice. *We Negroes have replaced self-pity with self-respect and self-depreciation with dignity*" [King's emphasis]. King challenged blacks to take initiative and achieve excellence. "In the new age we will be forced to compete with people of all races and nationalities," he observed. "We must set out to do a good job, irrespective of race, and do it so well that nobody could do it better."

King's gradual shift from individualism and equal rights toward a more class-based, outcomes-oriented focus is evident.

Throughout his crusade, King's strategy depended on a commitment to nonviolence. "The method of nonviolent resistance is effective in that it has a way of disarming the opponent, it exposes his moral defenses, it weakens his morale and at the same time it works on his conscience," he explained. "It also makes it possible for the individual to struggle to secure moral ends through moral means." King insisted that "as a race we must work passionately and unrelentingly for first-class citizenship, but we must never use second-class methods to gain it."

But by 1963, and increasingly as the decade drew on, radical black leaders challenged King's strategy of nonviolence. Riots, continuing Southern resistance to equal rights, and the lack of immediate visible progress following the enactment of national civil rights legislation strengthened King's critics, who peddled the intoxicant of "black power."

As Washington observes, "it seemed that the civil rights leadership was being bypassed by the new advocates of black power. [King] tried to show that many objectives of the black power advocates were no different from his own." Thus, "King embraced the basic political and social agenda of black power advocates, but strongly condemned their endorsement of revolutionary violence and black separatism."

His rhetoric changed as well, focusing more heavily on such evils as "economic exploitation" and "racist imperialism." No longer did he stress self-help but instead characterized blacks as victims of generalized oppression. "We've come a long way in our understanding of human motivation and of the blind operation of our economic system," King declared. "Now we realize that dislocation in the market operations of our economy and the prevalence of discrimination thrust people into idleness and bind them in constant or frequent unemployment against their will."

King continued to invoke classical-liberal ideals, but toward the end of equality of results rather than equal opportunity. "If one has a right to life, liberty and the pursuit of happiness," King stated in a 1967 interview, "then he has a right to have an income." King called for a guaranteed national income that would automatically rise along with "total social income." Conceding that his "proposal is not a 'civil rights' program," King called for class struggle, since "the same forces that oppress Negroes in American society oppress poor white people."

As he moved to the left to fend off black power advocates, King's mainstream support eroded as well. King complained that when blacks moved from traditional civil rights concerns toward "the realization of equality, they found that many of their white allies had quietly disappeared." That shouldn't have surprised him: The civil rights movement

was abandoning its original goals, and with them much of its moral claim.

A great deal of debate has taken place over whether King, were he not martyred, would have joined in the frenzy of racial quotas, set-asides, and forced busing that has dominated the agenda of the civil rights establishment since the late '60s. King's endorsement of mechanisms designed not to expand opportunities but to redistribute them suggests he would have joined the chorus. Still, his presence would have helped us avoid some of the cynicism and elitism that has characterized the civil rights leadership since his premature departure. Rep. John Lewis (D-Ga.), a veteran of the civil rights movement, laments, "I don't think the movement as a whole has ever reclaimed its focus and its sense of moral authority since the assassination of Martin Luther King, Jr."

What is missing in the quest for civil rights today is the passion, integrity, and sense of mission King personified. Even more noticeably absent, upon reading King's words, is the lyrical beauty of the vision of civil rights he so eloquently expressed: "We are simply seeking to bring into full realization the American dream—a dream yet unfulfilled. A dream of equality of opportunity, of privilege and property widely distributed; a dream of a land where men no longer argue that the color of a man's skin determines the content of his character; the dream of a land where every man will respect the dignity and worth of human personality—this is the dream. When it is realized, the jangling discords of our nation will be transformed into a beautiful symphony of brotherhood, and men everywhere will know that America is truly the land of the free and the home of the brave."

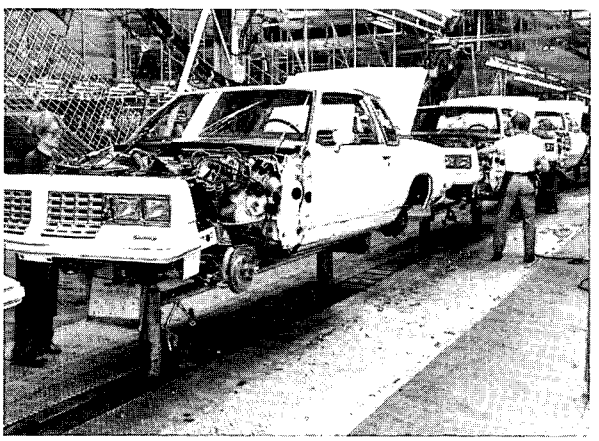
Clint Bolick is director of the Landmark Legal Foundation's Center for Civil Rights in Washington, D.C., and author of Unfinished Business: A Civil Rights Strategy for America's Third Century *(Pacific Research Institute).*

Car Talk

BY ROBERT W. CRANDALL

The Machine that Changed the World, by James P. Womack, Daniel T. Jones, and Daniel Roos, New York: Rawson, 323 pages, $22.50

The End of the Line: Autoworkers and the American Dream, An Oral History Edited by Richard Feldman and Michael Betzold, Urbana: University of Illinois Press, 297 pages, $11.95



For decades, the automobile industry was the very symbol of American industrial superiority. Henry Ford, William Durant, Alfred Sloan, Walter Chrysler, and scores of smaller rivals slugged it out for market share, building ever more powerful and sleek vehicles at constantly declining real costs. Cars got better and cheaper at the same time.

Unfortunately, most of the smaller companies disappeared before World War II, and after the war the industry settled into a stable, boring triopoly of General Motors, Ford, and Chrysler, with American Motors trying to hold on with the remnants of Studebaker, Packard, Nash, Willys, and Hudson. Replacing the earlier entrepreneurial giants at the helm of the Big Three were corporate bureaucrats who had survived the intense internal battles for promotion. As the industry matured and its growth slowed in the 1960s and 1970s, it no longer attracted the more talented and adventurous graduates of our engineering and business schools.

The only postwar leaders whose names we will even recognize a decade after their retirement will be Henry Ford II and Lee Iacocca, and their signal contributions have been the Ford Mustang (a retrofitted Falcon); the Ford Fairmont; and the Chrysler (erstwhile Ford) minivan. Shockingly, there has been no memorable leader of General Motors, the industry's failing giant—and no GM product worthy of note for at least 30 and perhaps 50 years. (John DeLorean fans may disagree, but what did DeLorean bring to the market in his tenure at Pontiac and Chevrolet?)

When the Japanese cars appeared on our shores in the late 1960s, no one would have guessed that the American auto industry was vulnerable. The industry was busy introducing Pintos and Vegas that in hindsight were terrible cars, but at the time we had no idea of how much better cars could be. The Big Three, with no need to worry about competitors, grew fat and happy, and their workers simply got fat. But "lean" competitors lurked in the revitalized Japanese economy with their "lean" production system, says a group of MIT students of the industry.

The Machine that Changed the World details the success of the Japanese in designing and producing cars efficiently. Based on some real research at MIT and a large amount of conventional wisdom, this book provides interesting reading for those who know little about the subject. As a new contribution to the understanding of this industry's complicated evolution, however, it falls somewhat short. It relies heavily on two seminal pieces of research—one by John Krafcik of MIT and one by Kim Clark of Harvard—published several years ago. These two articles detail the Japanese advantage in design, engineering, and the final assembly of a new car.

PHOTO: COURTESY OLDSMOBILE HISTORY CENTER

Otherwise, there is little new in *The Machine*. What this book lacks is an explanation of why U.S. companies perform so badly even in the face of overwhelming evidence of the success of the Japanese design, engineering, and production processes. The authors soon convince us that the Japanese are on to something here—"lean" production, "lean" design, "lean" engineering. Simply put, this means that the Japanese organize their supply chain to deliver components without defects precisely as they are needed at the assembly line so as to minimize inventory costs, provide their workforce with incentives to seek cooperative solutions to reducing labor time and improving quality, and design cars to meet changing consumer demands in minimal time.

The Japanese have refined mass-production techniques. They respond to consumer demands with new designs much more quickly than their U.S. counterparts. They understand that quality and reliability are important to buyers. They secure much greater cooperation and concern for quality from their workers. But there are no secrets to this success. Why can't U.S. firms copy their success and expand upon it? Why can't U.S. companies become mean and lean? After all, the Japanese still send their students to the United States to learn the sciences and engineering. Why can't U.S. graduates do as well as Japanese graduates in designing and producing cars?

We can find part of the answer missing from *The Machine* in an "oral history" of a U.S. truck plant, *The End of the Line*. This volume is actually no more than the transcription of several dozen interviews with current and recently retired autoworkers at Ford's Wayne, Michigan, truck plant. We don't know whether these workers reflect a representative cross section, but we get a glimpse of the problems that the U.S. industry faces and, indeed, that our larger society faces in the edited transcriptions of their rambling thoughts.

First, most of the workers dislike their jobs and even their employer, but none would consider quitting. Why? The editors don't tell us, but the plain fact is that are paid so much more than they could earn elsewhere that they feel trapped. They can't leave. They hate to stay. And they live in constant fear that they will lose their jobs as the U.S. industry reaches "the end of the line."

Second, most of these workers understand that in the past they produced low-quality vehicles inefficiently. They realize that the salad days are over now that the industry has been made competitive by Japanese entry. One worker admits that "the adversary relationship worked all right in the past, but now we have to compete with the Japanese. They build a better product." Nevertheless,

Most auto workers are paid so much more than they could earn elsewhere that they feel trapped. They can't leave, yet they hate to stay.

many workers resist the Japanese-style cooperation the U.S. companies now seek, because they think that all gains from such cooperation simply go to capitalists and management.

Third, despite the fact that most hate their jobs but live in constant fear of losing them, there is little evidence that these workers—young or old—have given any thought to improving their skills so as to increase their future value in the workplace. Ford has a tuition-assistance program, but one of the so-called team players laments that only 5 percent of the employees use it—surely a low frequency if they fear that they are near the end of the line.

Even more shocking is the fact that their children appear to have done no better with their lives. Many say that they don't want their children to have to suffer on an assembly line as they have, but there is little evidence that they have succeeded in stimulating a desire for education in their children. None tells us of his or her child graduating from college, despite Michigan's excellent public university system.

Finally, they share with their editors an erroneous belief that they are bound eventually to lose their jobs to low-wage workers in some distant underdeveloped country. Yet they must know that they are most likely to lose their jobs to workers in Ohio and Tennessee who are employed by the new Japanese transplants and are not poorly paid. The automobile industry isn't by the wildest stretch of the imagination gravitating to those poor countries that excel in producing shirts and underwear. More than 90 percent of the world's motor vehicles are still produced in highly developed countries such as Japan, the United States, Germany, France, and Canada.

The clear lesson that emerges from these books is that everyone eventually loses when monopoly power becomes entrenched in an industry. The U.S. steel companies, tire companies, and Big Three automobile companies enjoyed a noncompetitive market for too long. They were eventually forced to share their monopoly profits with their workers, but they didn't buy their workers' loyalty or affection in this process. More or less insulated from competition, these companies became lethargic, bureaucratic, and terribly inefficient. The increasing world mobility of capital and goods in the past two decades has forced each of these firms to compete in a global market with global players—many of whom are Japanese.

The old-line firms can't turn around their labor relations, and they can't run away from their workers. As a result, only three or four large steel companies survive out of bankruptcy—none without Japanese and Korean money and technology. Only one large U.S. tire company survives, and it appears to be struggling. No one knows how much of Ford and General Motors will be left by the year 2000. It seems increasingly likely that Chrysler won't be able to sort out its problems except as a small division of a major "lean" foreign player.

But fear not: It isn't "the end of the line." Modern automobiles are being

produced in the United States with "lean" production systems, as the MIT authors would describe them. An American automobile industry composed of Nissan, Toyota, Honda, Mitsubishi, Mazda, Isuzu-Subaru, a severely scaled-back General Motors, and a "leaner" Ford should serve us much better than did the Big Three in the 1950s and 1960s.

Robert W. Crandall is a senior fellow in economic studies at the Brookings Institution and co-author of Regulating the Automobile.

Inspirational Messages

BY DAVID BRUDNOY

The American Reader: Words That Moved a Nation, edited by Diane Ravitch
New York: Harper Collins, 383 pages, $35.00

A near-paralysis has set in at many of the more august centers of higher learning: The anti-Eurocentric cops are hovering about, ferreting out any supposed overemphasis on the doings of dead white males (DWMs), the better to purge the academy of its presumed biases. While your typical Smoky Valley State College manages to move students through the assembly line of learning with little commotion from the thought police, the places where political correctness (P.C.) thrives are in a dither. May history, for instance, be taught such that, oh, George Washington plays a slightly bigger role than, say, the Washingtons' wine steward?

Outside the academy, only the fancier newspapers and the more easily intimidated broadcast outlets have been seriously troubled by all of this. One might guess that the ordinary reader of books feels no untoward guilt about picking up a tome that tells it—whatever "it" is—relatively straight, without benefit of the "contemporary sensitivity," to use another current catchphrase.

Unfortunately, between what might be called the standard view of things (which has been woefully short-sighted in recognizing the involvement of those who weren't dead white males, preferably Christian and heterosexual dead white males) and the new P.C. approach (which distorts, sometimes grotesquely, in the other direction), there is little of note.

Which brings us to a valiant and on the whole successful attempt to find a plausible theme for a broad survey, one intended for the general trade but surely destined as well for late high school and early college courses. Diane Ravitch, who teaches at Columbia University's Teachers College, has sought and discovered a way to advance readers through American history by directing their minds to the words, as she puts it, that moved a nation. If we grant, as we must, that more Americans seven years ago were moved by "Where's the beef?" than by the latest profundities issuing from the president's mouth, then surely one may fairly conclude that that which inspires and takes hold of the minds of our countrymen comes from all kinds of sources.

Ravitch has as keen an ear for the sounds of a nation on the move as for the enduring themes given vibrancy by those sounds. She is not driven to search in every faraway corner to the exclusion of the mainstream. We've John Adams's reflections on liberty and knowledge from his *Dissertation on the Canon and Feudal Law* as well as Abigail Adams's stern advice to her husband to "remember the ladies." We've all the central, abidingly uplifting documents of our history, together with a hefty gathering of popular songs, doggerel, and slogans, from every era of our history.

The *people*, after all, cotton more easily to "This Land Is Your Land, This Land Is My Land" than even to such stirring declarations as Martin Luther King's letter from the Birmingham jail. Ravitch has seen, or felt, the abiding popular substratum of our culture and given her readers a splendid selection to mull over.

No significant group is slighted, except perhaps two: She has skipped over the specifically Jewish and homosexual utterances of Americans. Irving Berlin's songs, among them "God Bless America," are *by* a Jew but not specifically expressive of Jewish thought. And Harvey Milk, a gay activist and San Francisco supervisor murdered by a vengeful colleague, appears here with a speech on neighborhoods from 1977. This is as far as Ravitch goes to acknowledge the *particular* significance of that man in America's contemporary history. Everybody else gets his (and her) share of the credit, with perhaps a slight tilt in the direction of feminist declarations and sloganeering. For blacks, the selections encompass documents from the 1775 appeal to the royal governor of Massachusetts to Alice Walker's poetry.

The libertarian impulse flows from Thoreau on civil disobedience to Milton and Rose Friedman on economic freedom. Protest arises at the start and is with us this very second, as exemplified by passages from the writings of Hispanic and American Indian observers of our still far from happy land. The labor movement is given voice, from the earnest speeches and pamphleteering of its fathers to such musical offerings as "Joe Hill."

There are some mistakes in the manufacture of the book, including a few erroneous dates. Perhaps in a subsequent edition of *The American Reader* Ravitch might include a cry of anguish from somebody protesting the decline in standards of American business, including publishing.

When appropriate, the thoughts of presidents take their place in the book, including Lyndon Johnson's speech at Howard University in 1965 and Ronald Reagan's at Moscow University in 1988. But the book shows, honestly enough, that we've experienced a dramatic falling off in presidential utterances from the days of the early republic and the mid-19th-century giant, Lincoln. The people speak, increasingly, from our own hearts and our own experiences, while the bigshots confine themselves to prepackaged

pap. *The American Reader* intelligently and excitingly shows American readers our sometimes quite wonderful tradition of speaking our minds.

Contributing Editor David Brudnoy teaches in the College of Communication at Boston University and is a radio talk-show host in Boston. He has taught American history at several universities.

The State of the Union: Essays in Social Criticism, by Albert Jay Nock, edited by Charles Hamilton, Indianapolis: Liberty Press, 340 pages, $20.00/7.50 paper. Albert Jay Nock was one of the greatest libertarian writers of this century—and one of the most obscure. Nock's obscurity has two causes. First, few of his books are in print, and they are published only by small publishers. Second, Nock's disciples absorbed only the portions of his thought that suited them. Libertarians elaborated on Nock's economic ideas; conservatives latched onto his elitism. As a result, notes Charles Hamilton, the editor of this volume, "a full appreciation for Nock's enduring contribution to American social criticism gets lost as factions on the right cut and paste from Nock whatever suits them."

Albert Jay Nock was born in 1870 in Scranton, Pennsylvania, and died in 1945. He graduated from St. Stephen's (now Bard) College. The school's curriculum left Nock with a deep and enduring love both for traditional virtues and for the Greek and Latin classics. After graduation, Nock became an Episcopal minister, married, and had two sons.

In 1908 Nock went through a spiritual crisis that caused him to leave the church, abandon his wife and family, and become a journalist. He moved to New York and joined the staff of *The American Magazine*, a leading muckraking journal of the day, where he wrote political profiles and exposés of racism and corruption in small towns. In 1920, Nock became editor of the classical-liberal journal *The Freeman*. When *The Freeman* ceased publication in 1924, Nock began a career as an essayist.

This book consists mostly of essays written by Nock in the last decades of his life. In these essays, Nock returns time and again to his three great themes—personal responsibility, the importance of tradition and high culture, and the need to shrink the state.

Consider the 1936 article "Isaiah's Job." One of Nock's most important works, this essay introduces his notion of "the Remnant," the few people in any culture able and willing to absorb challenging ideas. Conservatives in the 1950s were fascinated by this notion, declaring themselves the Remnant and the rest of the country liberals in dire need of salvation. Yet these conservatives failed to heed Nock's advice in the first part of this essay, where he denounced the "tyranny of windiness" that results when anyone who has a message for the masses loudly proclaims the eternal truth of his particular political viewpoint.

Although Nock had firm political views, he wasn't a joiner or a crusader. Bitterly opposed to the New Deal, Nock nevertheless refused to work for anti–New Deal organizations such as the American Liberty League. In one of his last essays, unpublished until this book, Nock prided himself on his flinty, uncompromising independence of thought. "Although I am well known as an exponent of individualism's philosophy, I have never made a single personal disciple," Nock wrote in 1944. "I have not only never tried, but never even wished, to make one."

This aspect of Nock's thought wasn't transmitted to future generations. When Nock stresses the importance of tradition and the past, he is an intellectual ancestor of such conservatives as Russell Kirk and Thomas Fleming. When he denounces government and bureaucracy, he uses arguments most libertarians will find familiar. But when he teaches the importance of distrusting ideologues and thinking for yourself, he resembles no contemporary political commentator.

Nock's writing acts as a gentle, but necessary, reminder that the good life is more than winning converts to a political cause. In the age of the sound bite and "The McLaughlin Group," Nock's anti-ideological beliefs ensure that his work is more pertinent than ever.

—Martin Morse Wooster

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THE UNTOUCHABLES

BY THOMAS W. HAZLETT

After *The* (New York) *Daily News* was hit by a strike last October, it continued to publish but had difficulty with distribution. Circulation fell from 1.1 million to 400,000 according to official statistics, even lower by private estimates. The paper was not sold at newsstands. Vendors understood, after just a few dozen acts of violence, that selling the *News* during the strike would not be a healthy thing to do.

Until the end of the strike in March, the only way I was able to buy a copy was from homeless people, who were recruited in large numbers to hawk the tabloid on street corners and in subways. The unwritten rules of New York were vividly on display: Indians and Pakistanis who rose well before dawn to run tiny, cluttered kiosks dispensing news, breath mints, and lip balm to a busy world were perfectly legitimate objects of physical abuse. But it was not politically correct to rough up the homeless.

The Village Voice actually applauded the evil, establishment *New York Times* for once going two full weeks without making any mention of union violence. Joining a conspiracy of silence was the least one could do for the working man. That the union was thumping innocents to protect $100,000-a-year pressmen, who featherbedded one worker in three, or that black reporters largely broke through the pickets, having had even worse luck with union racists than with management's crackers (read the black *Amsterdam News* on this), served only to bolster the confidence of the progressive crusaders, who are quite accustomed to speaking up for egalitarianism while ensconsed in homogeneous enclaves of wealthy white people, that this was indeed a good place to take a stand against greed in post-Reagan America.

I continued to purchase *The Daily News* (whose information gauge is constantly on "empty") throughout the strike, on the grounds that helping the homeless while (anonymously) challenging a militant cartel for a mere 25 cents was a great bargain. (With the post-strike cost at 40 cents, and with the ancillary benefits gone, I'm priced clean out of this market.) But from the *News* I did learn this: In New York, the Untouchables are untouchable; the rest of us are fair game.

Taxi drivers are better than newspapers, however, as a source of practical information. They will speak with amazing frankness. I merely suggested to Yves that driving a cab must be a pretty good job provided one was careful during the wee hours. He shot back, "I am very careful. I don't pick up the blacks."

"Excuse me?"

"Those black kids, in the sneakers," he said in French-English. "Like that kid over there. See him? I no pick him up." Yves was a West Indian and appeared to be quite black all over.

All the cabbies have their rules, and most are now equipped with automatic door locks which they zealously guard until they have gotten a look at you. This is ironic, in that they search for potential customers like madmen, swerving wildly to snatch them, and routinely beep at passers-by who just might like a taxi. But I have seen cabs zip right past well-dressed, thirtysomething men sporting Burberry coats and expensive briefcases...and black skin. Drivers of every shade inform me that they will stop for no one they "get a feeling about." A black cabbie told me about picking up the great Herbie Hancock one very stormy night. The jazz musician had spent forever hailing in the rain to no avail. Herbie understood that at each fateful moment of eye contact, he was "just another nigger" to a long string of New York taxicab professionals.

I heard no shame expressed. Even from the Middle Easterner who told me about being brought up on charges: An African woman he had passed as she desperately tried to flag him down (getting close enough to jot down his TLC number) complained about his discrimination before the appropriate city board. "Yeah, I see her. But she give me a bad feeling. So I lie and say 'No, I never seen her before.' What are they going to do?" He won his case, and he was out picking and choosing new fares by the afternoon.

Call me a honky (as a particularly opinionated street person recently did), but I imagine that, after soaking in a rainstorm for an hour while failing to procure a cab due to a permanent feature of my skin, I would develop an even worse attitude than I already have. I would not be mollified by the fact that the mayor would, but for his chauffeur, share my problem. Yet the hostility exhibited on this score is invisible; it is apparently a non-issue in a city convulsed by Bonfires of racial politics and idiotic agitations and an overarching urban unpleasantness.

Technically, New York City maintains a police force. But the cabbies are aware that this calendar year 2,250 persons—more than six per day—will be murdered on their streets. And so these working stiffs from every dot on the globe—Sierra Leone to Greece to Guatemala to Brooklyn—resort to their own crude measures for security. Of the scores of cabbies I talked to, all had one thing in common: They were alive. They take this as evidence that their racial rules of thumb are prudent. On the streets of the city, the hypothesis is that the principle of survival is winnowing out the liberals. New York, New York. It's a helluva town.

Contributing Editor Thomas W. Hazlett teaches economics and public policy at the University of California, Davis. He recently completed a sabbatical at Columbia University.

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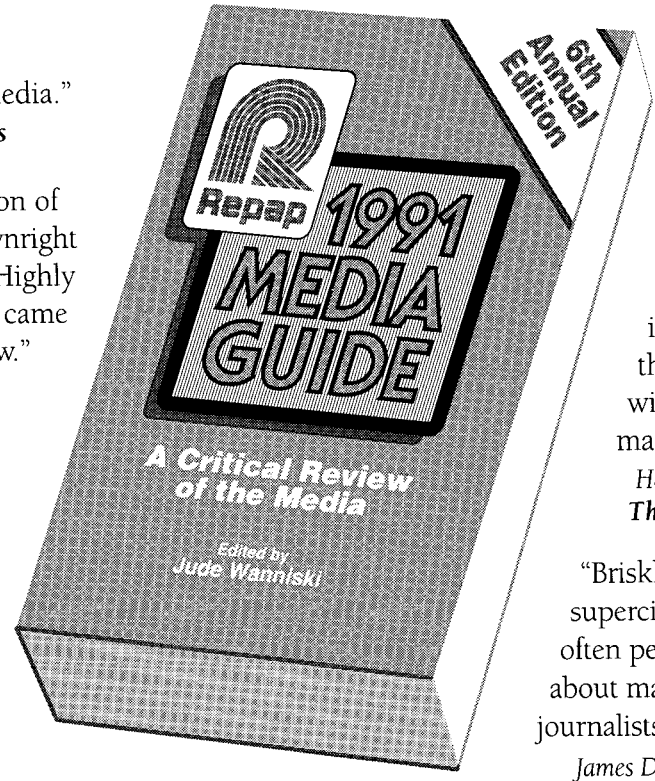

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